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Fourteenth Annual Report on the Work of the Georgia Courts FY 1987

(July 1, 1986–June 30, 1987)

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February 1988

Judicial Council of Georgia
Administrative Office of the Courts
Suite 550
244 Washington Street, SW
Atlanta, Georgia 30334

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Senior Communications Officer, Administrative Office of the Courts of Georgia

Foreword

This *Fourteenth Annual Report on the Work of the Georgia Courts*, prepared by the Administrative Office of the Courts, is issued pursuant to the requirement of Ga. Laws 1973, p. 288 and Order of the Supreme Court of Georgia dated June 12, 1978.

Operation of the state's courts is improving daily, chiefly as a result of the concentrated efforts of the officials at every level of the Georgia judicial branch. I commend the many judges, clerks and other personnel who consistently work to guarantee our citizens an accessible, efficient and quality court system.

One way in which we have been successful in the timely processing of cases in all courts is through expanded use of computers. Computer applications in Georgia courts no longer cluster about urban areas in the northern part of the state, as they have almost become a necessity in case management and so that various courts and state departments can "talk" to each other. A committee of superior court judges is considering possibilities of computerization and has studied kinds of information processing that can be valuable not only to the judiciary but to other state agencies. County systems have been developed to meet the particular needs of individual jurisdictions. The Supreme Court has implemented a system for maintaining a data base of recent opinions and expects to offer public access to its docket and opinions via computer in the near future.

Since 1981, there has been a 19 percent reduction in the total number of open cases and a decrease by 31 percent in the average time from filing to disposition for both civil and criminal cases in our superior courts. The greatest decrease in processing time (35%) was observed in the domestic relations category, which dropped from 10.2 months in 1981 to 6.6 months in 1985. Specific case processing times now compare favorably with standards adopted by the National Conference of State Court Administrators. These improvements can be attributed to an increase in the number of superior court judges to handle an increasing caseload and the diligent efforts of those judges, the work of court administrators and the improved recordkeeping of clerks of court.

After several attempts, we have started to develop a comprehensive program to plan and construct a juvenile justice system for our state's future. A basic premise of this program is a separate and distinct system geared toward youthful offenders for the purpose of dispensing justice and providing treatment for Georgia's youth. Another component is the creation of full-time specialized judgeships to hear juvenile cases. It is a challenge to all of us — judicial, legislative, executive and our constituencies — to establish such a coordinated program to ensure treatment and protection of our children. We must continue to build upon ground we have gained in our fight against child abuse as well.

This annual report is presented to inform the Governor, the General Assembly and the public of judicial branch activities carried out in response to the varied duties and responsibilities with which the courts, their officials and administrative agencies are charged. Readers are invited to review the following pages to observe ongoing improvement in the administration of justice in Georgia.

Thomas O. Marshall
Chairman
Judicial Council of Georgia

Judicial Council of Georgia

January 1988

Chief Justice Thomas O. Marshall
Chairman
Supreme Court
Atlanta

Presiding Justice Harold G. Clarke
Vice Chairman
Supreme Court
Atlanta

Judge Nancy K. Aspinwall
First Vice President
Council of Probate Court Judges
Hinesville

Chief Judge A. W. Birdsong, Jr.
Court of Appeals
Atlanta

Judge George H. Carley
Court of Appeals
Atlanta

Judge A. Wallace Cato
Administrative Judge
Second District
Bainbridge

Judge Jerry Day
First Vice President
Council of Magistrate Court Judges
LaFayette

Judge James E. Findley
Administrative Judge
First District
Reidsville

Judge William M. Fleming, Jr.
Administrative Judge
Tenth District
Augusta

Judge Joel J. Fryer, Jr.
Administrative Judge
Fifth District
Atlanta

Judge Arthur W. Fudger
Administrative Judge
Seventh District
Buchanan

Judge Hilton Fuller
President-elect
Council of Superior Court Judges
Decatur

Judge J. Mike Greene
President
Council of Probate Court Judges
Gray

Judge Walker P. Johnson, Jr.
Administrative Judge
Third District
Macon

Judge Hugh Lawson
Administrative Judge
Eighth District
Hawkinsville

Judge T. Jefferson Loftiss, II
President-elect
Council of Juvenile Court Judges
Thomasville

Judge Robert E. McDuff
President
Council of State Court Judges
Marietta

Judge Frank C. Mills, III
Administrative Judge
Ninth District
Canton

Judge Clinton O. Pearson
President
Council of Juvenile Court Judges
Brunswick

Judge Alan F. Pilcher
President
Council of Magistrate Court Judges
Gainesville

Judge A. Blenn Taylor, Jr.
President
Council of Superior Court Judges
Brunswick

Judge Curtis V. Tillman
Administrative Judge
Fourth District
Decatur

Judge Andrew J. Whalen, Jr.
Administrative Judge
Sixth District
Griffin

Judge Anne Workman
President-elect
Council of State Court Judges
Decatur

The Courts in Review: FY 1987

Diverse groups and interests at all levels of the state's judicial system sought both new and established methods to effect efficiencies in court procedures and operations during FY'87. Even as the judiciary observed favorable results from its efforts to better manage caseload and reduce open caseload, endeavors were underway to further define goals and standards for case processing. The General Assembly positively responded to requests for new judgeships and assigned legislative commitatees to study local court issues. The statewide debate regarding treatment of youthful offenders continued, and the Chief Justice proposed goals for strengthening the structure of the juvenile justice system at the Governor's Conference on Juvenile Justice. Using local and federal grant funds,individual courts initiated programs tailored to their particular needs and problems.

According to an analysis of open caseload performed in FY'87 by the Administrative Office of the Courts, Georgia superior courts were successful in improving case processing methods. The progress has been attributed to an increase in judicial personnel, use of case management techniques and advancements in recordkeeping. From the period 1981 to 1985, superior court judges reduced the estimated average time to process all types of cases by 31 percent from 10.4 months to 7.2 months.

Although the total number of cases filed increased by almost 6,500, judges disposed of over 23,500 more cases during the five-year span. As a consequence of the high number of dispositions, the total number of open cases declined by almost 20 percent, which translated into a per judge reduction of 27 percent. Superior court judges reduced backlog – defined as civil cases older than six months and criminal cases older than four months – by 10 percent and cut the number of four-to-six year old open cases by one third. The greatest reduction in processing time was observed in the domestic relations category, where there was a 35 percent decrease in time from filing to disposition and the average time dropped from 10.2 months in 1981 to 6.6 months in 1985.

Attempts to further understand what is happening in the superior courts resulted in the initiation of a project to provide detailed information about cases. Through funding from the U. S. Bureau of Justice Assistance, a pilot case-by-case reporting system began operating in the superior courts of six counties on July 1, 1986 to gather case management information and, ultimately, to supplant the manual casecount conducted each year. The objectives of the project are to define goals and standards for case processing, identify and help decrease case backlog and collect statistical information about age of open cases and time elapsed from filing to disposition.

Data forwarded to the Administrative Office of the Courts by the superior court clerks in Bartow, Fayette, Hall, Lumpkin, Pulaski and Rockdale counties was compiled and analyzed. Monthly reports summarizing 1) the inventory of open cases, 2) cases filed and disposed and open cases, 3) average civil and criminal case processing times (in days) per disposition method and 4) the number of specific types of cases open for specified lengths of time were generated and sent to each judge, district attorney, clerk and court administrator of the particular counties. The reports assisted these officials with trial calendaring, tracking individual cases and caseload management and allowed them to discern the causes of or control case delay.

In an effort to improve the casecount in superior courts, the ten district court administrators implemented a caseload census system by using personal computers purchased with FY'87 supplemental funds. Calendar year 1986 open caseload data was input at district offices to generate information to assist in future casecounts.

The 1987 Georgia General Assembly approved measures creating additional manpower slots both on the circuit and county level for jurisdictions facing burgeoning caseloads. Four of the five judgeships recommended by the Judicial Council of Georgia were established—in the Brunswick, Cobb, Griffin and Gwinnett judicial circuits—to take effect at the beginning of the 1988 fiscal year. The single-county Gwinnett circuit actually experienced the largest increase in the number of trial judges serving its superior, state and recorder's courts, as an additional judge was authorized for each of these courts.

Other than the Gwinnett state court, judgeships were created for the state courts of DeKalb and Muscogee counties. The State Court of Rockdale County was established as Georgia's sixty-third state court, one of 14 that operates full-time.

Along with circuit judicial personnel, the legislature investigated various aspects of court reorganization which were parallel concerns of the Governor's Judicial Process Review Commission in 1985. Following the introduction of a general proposal to specify procedures by which a state court may be merged into a superior court through enactment of local law, the House of Representatives created the Cobb County Court Consolidation Plan Study Committee to explore the feasibility of uniting the county's state and superior courts. This proposed merger was also evaluated by a national courts consultant who studied three major areas of concern: 1) jurisdictional overlap, 2) organizationally separate courts and 3) a three-tier hierarchy of courts.

Court organization was also analyzed in the Augusta Judicial Circuit by a team of district court administrators at the request of that county's board of commissioners, which was faced with budget requests involving additional court employees. The team studied Richmond County's state, civil and magistrate courts and concluded that a two-tier court system composed of a superior court and magistrate court would be desirable. The final recommendations proposed, among other changes, the merger of the state court into the superior court, the elimination of the civil court and the removal of civil jurisdiction from the magistrate court.

Preliminary action by the legislature resulted in the formation of a committee to study the efficacy of splitting the Brunswick Judicial Circuit and one to review the compensation of Chatham County court officials, both of which will report back to the 1988 General Assembly. A bill to redesign judicial retirement to combine six separate pension plans for prosecutors and trial and appellate judges will also be considered after a required analysis of its actuarial soundness. Also under study by the legislature is a Court of Appeals plan for preappeal settlement conferences, which would authorize the court to establish by rule a procedure using senior appellate and senior superior court judges for volun-

State Appropriations for the Judicial Branch: Fiscal Years 1986, 1987 and 1988

Budget Unit/Agency	FY 1986 Amended Appropriation	FY 1987 Amended Appropriation	Percent Change FY 86-87	FY 1988 General Appropriation	Percent Change FY 87-88
Supreme Court	$ 3,174,486	$ 3,196,779	0.7%	$ 3,654,950	14.3%
Court of Appeals	3,606,414	3,903,943	8.2%	4,075,070	4.4%
Superior Court (Total)	28,372,779	30,602,026	7.9%	33,298,469	8.8%
Operations	27,058,697	29,100,167	7.5%	31,706,205	9.0%
Council of Superior Court Judges	51,378	68,895	34.1%	71,399	3.6%
Judicial Administrative Districts	609,002	737,526	21.1%	735,289	-0.3%
Prospective Attorneys' Council	538,924	576,766	7.0%	667,787	15.8%
Sentence Review Panel	114,778	118,672	3.4%	117,789	-0.7%
Juvenile Courts (Total)	196,899	227,544	15.6%	277,268	21.9%
Operations	0	0	---	0	---
Council of Juvenile Court Judges	196,899	227,544	15.6%	277,268	21.9%
Institute of Continuing Judicial Education (Total)	280,912	318,334	13.3%	467,268	46.8%
Operations	263,500	280,000	6.3%	376,250	34.4%
Magistrate Courts Training Council	17,412	38,334	120.2%	91,018	137.4%
Judicial Council (Total)	640,621	708,215	10.6%	774,675	9.4%
Operations	552,486	566,668	2.6%	629,565	11.1%
Board of Court Reporting	21,035	23,047	9.6%	25,110	9.0%
Case Counting	67,100	69,000	2.8%	70,500	2.2%
Council of Magistrate Court Judges	0	20,000	---	20,000	0.0%
Council of Probate Court Judges	0	20,000	---	20,000	0.0%
Council of State Court Judges	0	9,500	---	9,500	0.0%
Judicial Qualifications Commission	104,325	105,292	0.9%	106,000	0.7%
Judicial Branch Totals	**$36,376,436**	**$39,062,133**	**7.4%**	**$42,653,700**	**9.2%**

Five-Year Comparison of Judicial Budget (1984–1988)

Fiscal year	Total state appropriation	Increase	Judicial appropriation	Increase	Percent of state budget
1984	$ 3,960,829,559	$ 275,300,893	$ 30,010,038	$ 3,419,723	0.76%
1985	4,364,827,675	403,998,116	33,042,076	3,032,038	0.76%
1986	5,225,947,058	861,119,383	36,376,436	3,334,360	0.70%
1987	5,412,225,000	186,277,942	39,062,133	2,685,697	0.72%
1988	5,782,000,000	369,775,000	42,653,700	3,591,567	0.74%

tary arbitration of cases involving monetary damages following an appeal from superior court.

As in many other states, the tort reform battle was waged as both the House and Senate considered numerous changes in civil law. While a study published by a University of Georgia law professor showed that the vast majority of jury verdicts were moderate and that punitive damages, when awarded, were not excessive, the legislature adopted a major compromise measure 1) placing a $250,000 limit on most punitive damages, 2) permitting judges to alter a jury award when the parties consent and 3) allowing juries to be informed of other possible sources of victim compensation.

In response to a 1986 House Resolution urging superior court judges to employ restitution orders in child and sexual abuse cases, the Council of Superior Court Judges conducted a review of the use of such orders. After searching the Department of Corrections' data base on offenders who were convicted in 1986 of a single crime and sentenced to some form of probation, the council reported that restitution was imposed in fewer than seven percent of the nine types of cases involving children.

The nearly $42.7 million appropriated by the General Assembly to the judicial branch for FY 1988 amounted to a 9.2 percent increase over FY 1987 appropriations. The new appropriation included $675,656 to fund first-time programs or program enhancements: $383,000 for the superior courts to fund investigator positions under the district attorneys in 15 of the 45 circuits; $150,250 to the Institute of Continuing Judicial Education to sponsor training for the Magistrate Courts Training Council and to fund travel expenses; $60,000 for the Supreme Court to implement a computerized docket; and $10,000 for the Judicial Council to continue its pilot case-by-case reporting project.

The legislature declined to approve initial funds requested by the Georgia Indigent Defense Council ($1,979,923), Executive Probate Judges Council ($8,527) and Superior Court Clerks Training Council ($8,995).

The judiciary's share of the entire state budget rose from 0.72 percent in FY 1987 to 0.74 percent in FY 1988. FY'87 judicial branch funds decreased by 0.2 percent ($74,682) as the result of a temporary decrease in the employer's costs for health insurance, but

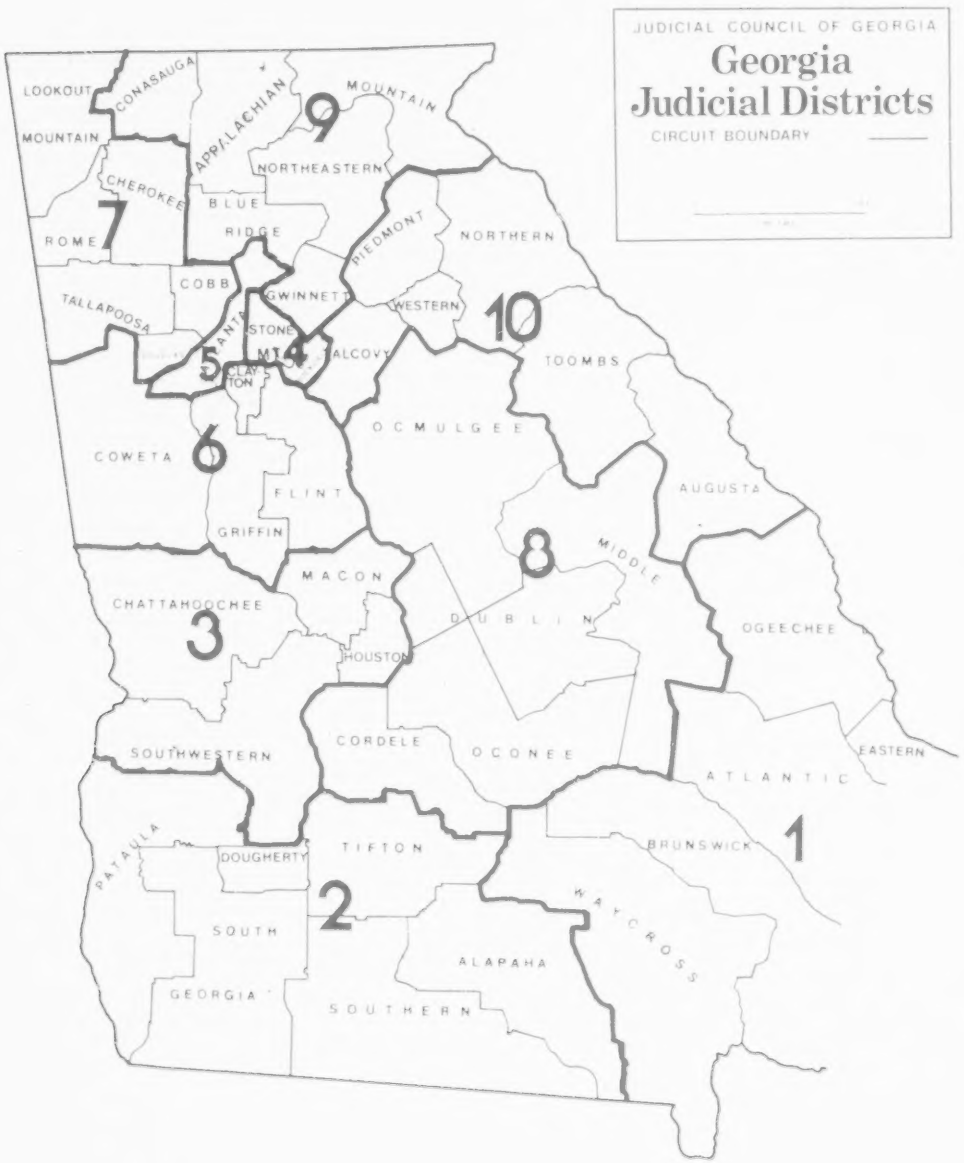
Judicial Branch Budget Units: FY 1987 Funds Available and Expenditures

	Supreme Court	Court of Appeals	Superior Courts	Juvenile Courts	Institute of Continuing Judicial Education	Judicial Council	Judicial Qualifications Commission	Total
FUNDS AVAILABLE								
General Appropriations	$3,305,545	$3,784,560	$30,713,828	$207,411	$308,334	$711,905	$105,292	$39,136,875
Supplemental Appropriations	-108,766	119,383	-111,802	20,133	10,000	-3,690	0	-74,742
Governor's Emergency Funds	7,000	0	10,000	10,000	0	0	0	27,000
Total State Funds	3,203,779	3,903,943	30,612,026	237,544	318,334	708,215	105,292	39,089,133
Federal Funds	0	0	133,239	376,718	8,539	18,477	0	536,973
Other Funds	529,898	67,592	473,235	2,053	48,904	28,817	0	1,150,499
Total Funds Available	**$3,733,677**	**$3,971,535**	**$31,218,500**	**$616,315**	**$375,777**	**$755,509**	**$105,292**	**$40,776,605**
EXPENDITURES								
Personal Services	$2,727,476	$3,409,837	$29,521,675	$215,559	0	478,372	0	$36,352,919
Regular Operating Expenses	167,641	76,565	462,510	227,629	56,352	41,495	8,751	1,040,943
Travel	26,351	33,015	469,239	18,637	0	10,009	0	557,251
Publications and Printing	87,872	32,208	43,830	7,781	47,149	52,007	478	271,325
Equipment Purchases	51,665	71,964	52,414	5,275	566	4,552	0	186,436
Computer Charges	307,496	140,280	104,967	60,209	4,616	32,038	0	649,606
Real Estate Rentals	194,843	149,717	71,449	4,781	0	22,410	748	443,948
Telecommunications	27,101	28,440	32,493	6,460	0	7,562	864	102,920
Per Diem, Fees & Contracts	142,389	14,440	252,798	69,785	267,051	98,445	73,214	918,122
Total Expenditures	**$3,732,834**	**$3,956,466**	**$31,011,375**	**$616,116**	**$375,734**	**$746,890**	**$84,055**	**$40,523,470**

supplemental funds were granted for selected projects. These included computerization projects in the Court of Appeals and judicial administrative districts, administrative costs for the Council of Juvenile Court Judges' Purchase of Services program and reimbursement of superior court judges' travel expenses by the Institute of Continuing Judicial Education.

At the Governor's Conference on Juvenile Justice in November 1986, Chief Justice Thomas O. Marshall urged participants to continue their work for improvements in the state's fast-growing juvenile justice system. He proposed several immediate goals which emphasized needed systemic coordination and development.

These goals identified the components of the model juvenile justice system and the roles each would adopt. They include: 1) community-based treatment programs for nonviolent offenders, 2) community involvement and commitment to treatment programs for young offenders, 3) an agency for planning, establishing and monitoring a statewide juve-



nile justice policy, 4) alternative programs for status and minority offenders, 5) a statewide system of full-time juvenile court judgeships and 6) state-funded mandatory continuing education to assure minimum skill levels and to promote professionalism among juvenile justice practitioners.

Also during the past year, the chief justice actively served as chairman of the 48-member state commission coordinating Georgia's ongoing participation in the celebration marking the bicentennial of the U. S. Constitution. The commission encouraged municipal and county leaders to initiate local events and stressed an increase in awareness of our constitutional heritage. Emphasis was placed on educating Georgia citizens about the history, development and meaning of the national Constitution.

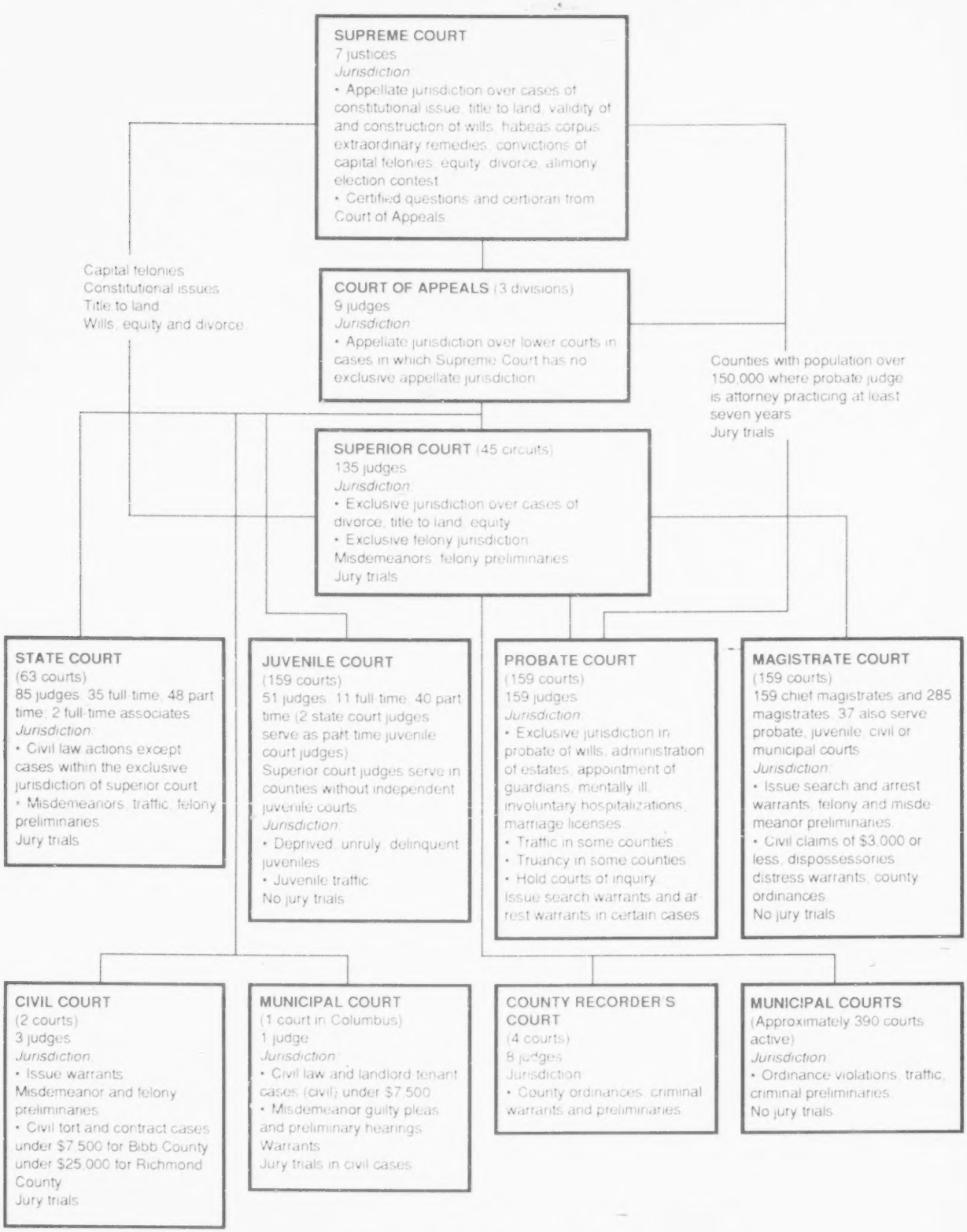
At mid-year, Judge A. W. Birdsong, Jr., assumed office for a two-year term as chief judge of the Court of Appeals, replacing Judge Harold R. Banke. Shortly after election to the post by his colleagues, the new chief judge revealed plans for streamlining appeals procedures through the use of settlement conferences.

Throughout FY'87, local jurisdictions employed unique approaches to solve existing problems. Fulton County's superior court completed the first year of a pilot alternative dispute resolution project for which panels composed of three attorneys hear civil cases involving damage claims of $25,000 or less. In an attempt to relieve overcrowding in the county jail, the same court ran additional criminal trials during January and February of 1987, and it sought federal grant funds for video arraignment.

The Superior Court of DeKalb County utilized a closed circuit television arraignment to eliminate security risks involved with transporting jail prisoners. The DeKalb County court also instituted a two-day, one-trial jury impanelment system on January 1, 1987, and tried "backloading" (probation with an attached jail sentence) as an alternative sentencing method. Hart County superior court began scheduling arraignment hearings as soon as possible after indictment in an effort to speed the legal process and reduce paperwork. Cobb County superior court judges expanded DUI sentencing options by designing a court operated drug and alcohol awareness program and requiring community service or attendance at various other programs.

Counties took advantage of available federal block grant funds from the United States' Bureau of Justice Assistance, disbursed by the Governor's Criminal Justice Coordinating Council, to finance first-time projects beginning in FY'88. Many grant recipients used funds to install or augment computerized systems for managing criminal cases in superior courts. Five juvenile courts planned to implement computerized docketing systems, which would provide access to the statewide juvenile information management system. Two state courts used funding to automate their records systems, and a magistrate court was able to secure funds for holding preliminary hearings by use of a closed circuit television hook-up linking the judge in the courtroom with a jailed defendant.

Georgia Court System: July 1, 1987


SUPREME COURT
7 justices
Jurisdiction:
• Appellate jurisdiction over cases of constitutional issue, title to land, validity of and construction of wills, habeas corpus, extraordinary remedies, convictions of capital felonies, equity, divorce, alimony, election contest
• Certified questions and certiorari from Court of Appeals
Capital felonies
Constitutional issues
Title to land
Wills, equity and divorce
COURT OF APPEALS (3 divisions)
9 judges
Jurisdiction:
• Appellate jurisdiction over lower courts in cases in which Supreme Court has no exclusive appellate jurisdiction
Counties with population over 150,000 where probate judge is attorney practicing at least seven years
Jury trials
SUPERIOR COURT (45 circuits)
135 judges
Jurisdiction:
• Exclusive jurisdiction over cases of divorce, title to land, equity
• Exclusive felony jurisdiction
Misdemeanors, felony preliminaries
Jury trials
STATE COURT
(63 courts)
85 judges, 35 full-time, 48 part time; 2 full-time associates
Jurisdiction:
• Civil law actions except cases within the exclusive jurisdiction of superior court
• Misdemeanors, traffic, felony preliminaries
Jury trials
JUVENILE COURT
(159 courts)
51 judges, 11 full-time, 40 part time (2 state court judges serve as part-time juvenile court judges)
Superior court judges serve in counties without independent juvenile courts.
Jurisdiction:
• Deprived, unruly, delinquent juveniles
• Juvenile traffic
No jury trials
PROBATE COURT
(159 courts)
159 judges
Jurisdiction:
• Exclusive jurisdiction in probate of wills, administration of estates, appointment of guardians, mentally ill, involuntary hospitalizations, marriage licenses
• Traffic in some counties
• Truancy in some counties
• Hold courts of inquiry
Issue search warrants and arrest warrants in certain cases
MAGISTRATE COURT
(159 courts)
159 chief magistrates and 285 magistrates, 37 also serve probate, juvenile, civil or municipal courts
Jurisdiction:
• Issue search and arrest warrants, felony and misdemeanor preliminaries
• Civil claims of $3,000 or less, dispossessories, distress warrants, county ordinances
No jury trials
CIVIL COURT
(2 courts)
3 judges
Jurisdiction:
• Issue warrants, Misdemeanor and felony preliminaries
• Civil tort and contract cases under $7,500 for Bibb County, under $25,000 for Richmond County
Jury trials
MUNICIPAL COURT
(1 court in Columbus)
1 judge
Jurisdiction:
• Civil law and landlord tenant cases (civil) under $7,500
• Misdemeanor guilty pleas and preliminary hearings, Warrants
Jury trials in civil cases
COUNTY RECORDER'S COURT
(4 courts)
8 judges
Jurisdiction:
• County ordinances, criminal warrants and preliminaries
MUNICIPAL COURTS
(Approximately 390 courts active)
Jurisdiction:
• Ordinance violations, traffic, criminal preliminaries
No jury trials

Supreme Court

As Georgia's ultimate court of review, the Supreme Court exercises exclusive appellate jurisdiction over cases that involve the interpretation of the constitutions of both the state of Georgia and the United States, as well as treaties between the United States and foreign governments. The court also has constitutionally authorized power to render the final decision in the state in cases involving (1) imposition of a sentence of death by a superior court, (2) contested elections, (3) validity or construction of wills, (4) equity, (5) land titles, (6) habeas corpus, (7) extraordinary remedies (mandamus, prohibition, quo warranto, etc.) and (8) divorce and alimony. The court also reviews by certiorari cases transferred from the Court of Appeals and decides questions certified to it by that court. In addition, the court answers questions of law from any state or federal appellate court.

Three terms of court, which begin in September, January and April, are held each year. No oral arguments are heard in August or December. In most instances, cases are decided and judgments given during the term in which they were accepted. The state constitution requires that cases must be disposed by the end of the second term of court after filing; otherwise, the judgment of the lower court is affirmed by operation of law. No case has been decided this way in the court's history.

Cases are assigned in rotation to the seven justices for preparation of opinions. After writing an opinion, the justice circulates it to the entire court for study. Following a discussion en banc, the opinion is adopted or rejected by the majority of justices. In the event a justice is unable to serve or disqualifies himself from a case, the remaining justices appoint a substitute justice from a superior court to serve.

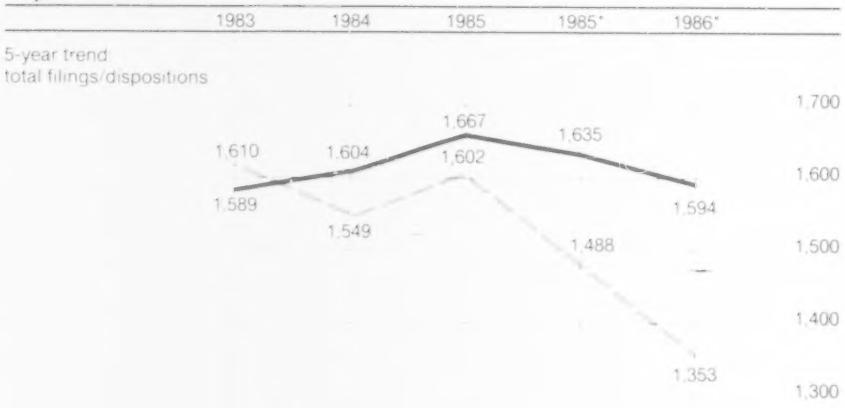
Although the court nearly always hears cases in Atlanta, it occasionally schedules sessions at other locations in the state such as at law schools in order to educate students in court operations. In April of 1987, the court held a one-day session at Mercer University in Macon.

Justices are elected to staggered six-year terms in nonpartisan, statewide elections. Any vacancies on the court are filled by gubernatorial appointment. To qualify for office as a justice, a person must be at least age 30, a citizen of the state for three years, and must have been admitted to the practice of law for seven years.

The justices elect from among their number a chief justice and a presiding justice, whose terms run for four years. As administrative head of the court, the chief justice presides over court conferences and oral arguments and serves as chairman of the Judicial Council, an administrative arm of the court. The presiding justice performs the duties of the chief justice in his absence and is vice chairman of the council.

Law assistants, who must be licensed attorneys, are appointed by each justice to help in the research and preparation of opin-

Supreme Court



*In 1985, the Supreme Court changed its casecount year from administrative court year (September-August) to calendar year (January-December).

Filings ——

Dispositions — — —

ions. A court-appointed clerk, along with clerical assistants, provide support for the court in calendaring and caseload and records management. The court also appoints an official reporter of decisions, who publishes the opinions of the Supreme Court and Court of Appeals.

Since one of the powers invested in the Supreme Court is the authority to promulgate orders needed to carry out its jurisdiction, the court has directed several agencies to assist it in administrative matters. Among these are the Institute of Continuing Judicial Education, the Judicial Council/Administrative Office of the Courts, the State Bar of Georgia and the Office of Bar Admissions.

The Supreme Court's caseload for calendar years 1985 and 1986 is shown at right. Presented on the previous page is a comparison of filings for administrative court years (September 1–August 31) 1983–1985 and calendar years 1985 and 1986. Dispositions are also depicted for years 1983–1986.

Supreme Court Caseload: 1985 and 1986

Filed	1985	1986
Direct appeals (Final)	595	560
Petitions for certiorari	551	560
Original petitions/Motions	22	25
Habeas corpus applications	125	158
Applications for interlocutory appeal	51	61
Applications for discretionary appeal	208	166
Certified questions	12	9
Attorney discipline	65	36
Judicial discipline	1	0
Bar admissions	7	12
Other	0	7
TOTAL	1,635	1,594

Disposed	1985	1986
Opinions written	388	308
Affirmed without opinion (Rule 59)	139	125
Certiorari applications		
Denied	403	434
Granted	78	66
Dismissed	42	24
Habeas corpus applications		
Denied	114	123
Granted	5	6
Stricken and entered on general docket	0	2
Dismissed without prejudice	0	2
Denied without prejudice	0	1
Withdrawn	0	2
Interlocutory applications		
Denied	25	31
Granted	17	23*
Dismissed	3	5
Transferred to Court of Appeals	6	3
Denied without prejudice	0	1
Vacated and remanded	0	1
Withdrawn	0	1
Discretionary applications		
Denied	141	103
Granted	53**	35
Dismissed	3	6
Tranferred to Court of Appeals	8	7
Dismissed without prejudice	1	0
Remanded	0	1
Denied with direction	0	1
Withdrawn	3	2
Original petitions/Motions		
Denied	4	9
Granted	2	2
Dismissed	10	14
Transferred to Court of Appeals	3	0
Dismissed without prejudice	0	1
Withdrawn	0	1
Attorney and judicial disciplinary/Bar admissions decided by order	40	33
Other		
Transferred to Court of Appeals	42	44
Dismissed by order	57	31
Remanded by order	8	1
Withdrawn	38	27
Affirmed by order	3	0
Habeas corpus death sentence set aside by order	1	0
Vacated by order	0	1
Stricken from docket	4	2
TOTAL	1,488	1,353

*One of these applications was partly granted.
**One was granted and remanded.

Court of Appeals

Following approval of a constitutional amendment in 1906, the Court of Appeals was created in 1907 to alleviate some of the considerable caseload burden from the Supreme Court. Recent studies have shown that this court has become one of the busiest appellate courts in the United States. It retains statewide appellate jurisdiction from superior, state and juvenile courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court. Such cases include civil claims for damages, cases involving workers' compensation and criminal cases other than capital felonies. The court may also certify legal questions to the Supreme Court, however, certification is rarely used.

The court consists of nine judges who serve on three panels of three judges each. Under the court's rules, the position of chief judge is rotated, usually for a two-year term upon the basis of seniority of tenure on the court. By statutory authorization, the chief judge appoints the three presiding judges who head each panel. All other judges rotate annually among the three panels.

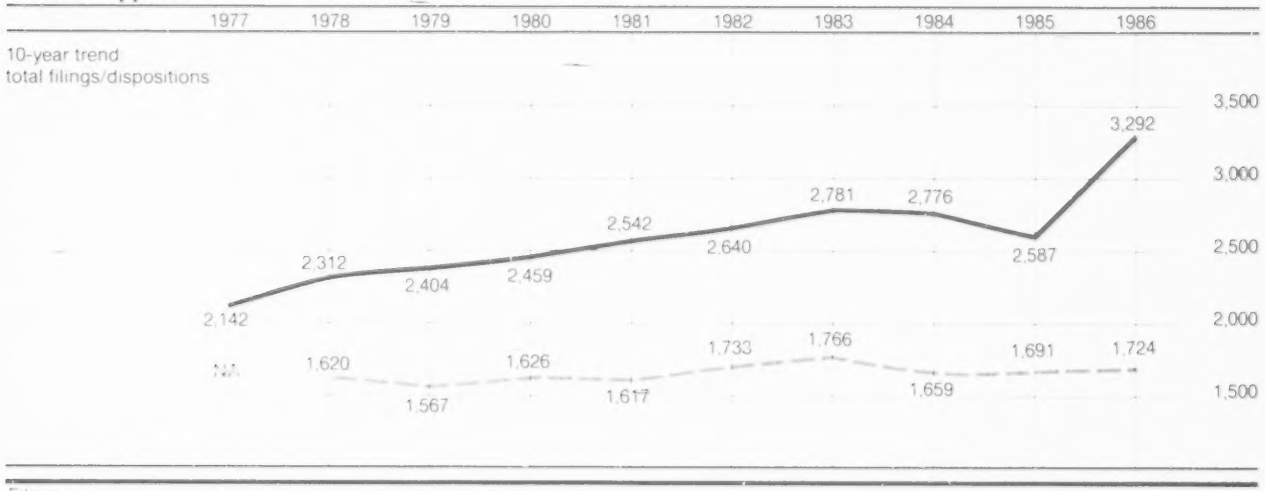
The chief judge is responsible for the administration of the court and together with the presiding judges forms the executive council. Any decision rendered by a division is final unless a single judge dissents, whereupon the case is considered by all nine judges. If, after the full court hears a case, the judges are equally divided as to the verdict, the case is transferred to the Supreme Court.

The judges of the Court of Appeals are elected to staggered, six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been a practicing attorney for at least seven years prior to assuming office. In the event of a vacancy on the court, the governor appoints a successor.

The court holds its three annual sessions, which begin in September, January and April, in Atlanta. Cases are always decided by the term after that in which they were docketed; otherwise, a judgment would be affirmed by operation of law. This has never happened in the history of the Court of Appeals.

Court of Appeals filings and dispositions for calendar years 1977 – 1986 are compared in the chart below.

Court of Appeals



Superior Courts

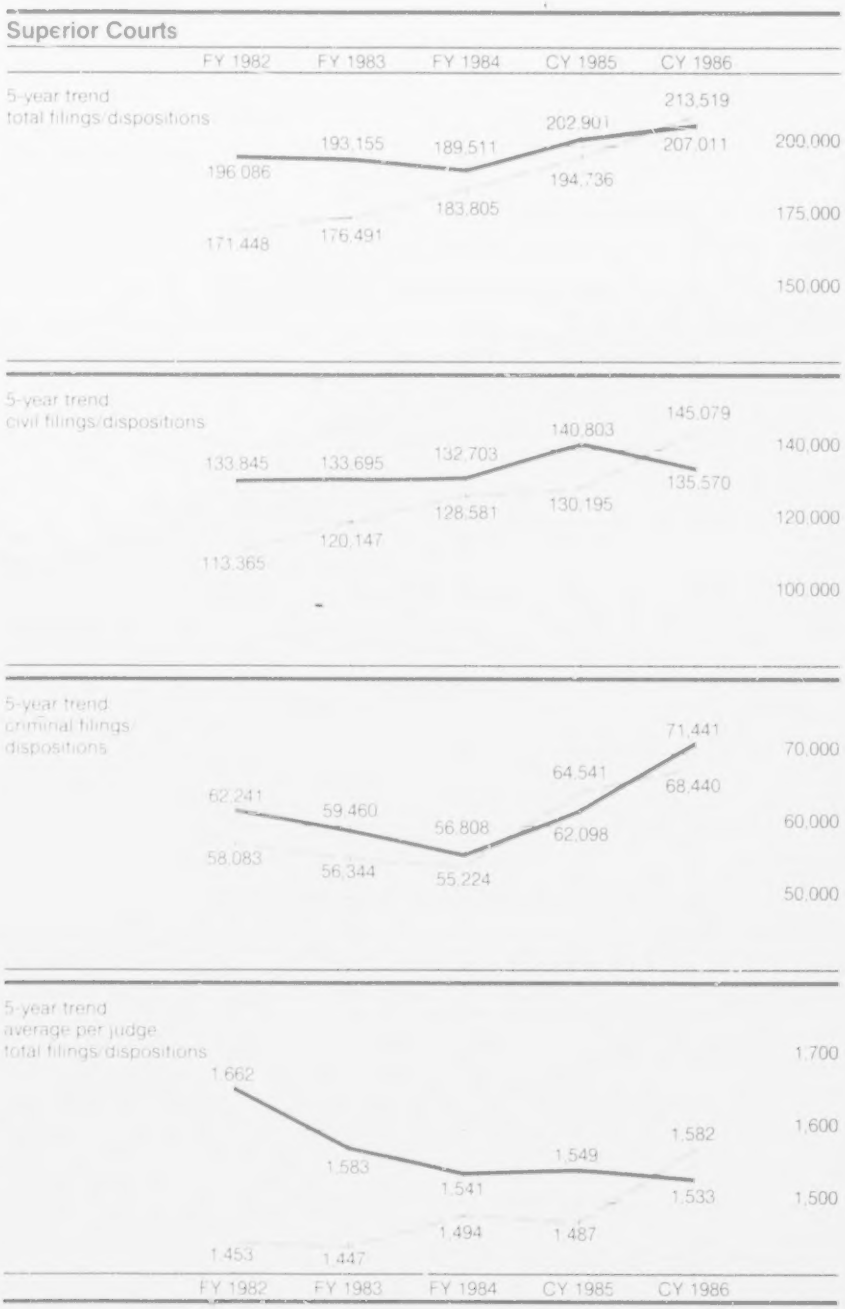
As Georgia's general jurisdiction trial court, the superior court has exclusive, constitutional authority to preside over felony cases (except those involving juvenile offenders, in which jurisdiction is shared with the juvenile court) and cases regarding title to land, divorce and equity. The superior court also has exclusive statutory jurisdiction in such matters as declaratory judgments, habeas corpus, mandamus, quo warranto and prohibition.

With the exception of certain probate and juvenile matters, the superior court may exercise jurisdiction over other cases concurrently with the limited jurisdiction courts located in the same county. The superior courts are authorized to correct errors made by lower courts by issuing writs of certiorari, and for some lower courts, the right to direct review by the superior court applies.

Located in each of the state's 159 counties, superior courts are organized by judicial circuits, or groups of counties. The 45 circuits vary in size and population, as well as in the number of judges serving them. From one to eight counties comprise the circuits, with the single-county circuits generally located in or near the several large metropolitan areas of the state (see map of Georgia, page 4).

The number of superior court judges per circuit ranges from one judge in two circuits (Appalachian, Rockdale) to 12 judges in the Atlanta Judicial Circuit. A chief judge, who in most cases attains the position through seniority, handles the administrative tasks for each circuit.

For purposes of administration, the superior court system is divided into ten administrative districts, with boundaries that roughly correspond to those of Georgia's U. S. congressional districts. An administrative judge, elected to two-year terms by the superior court judges of each district, performs executive functions



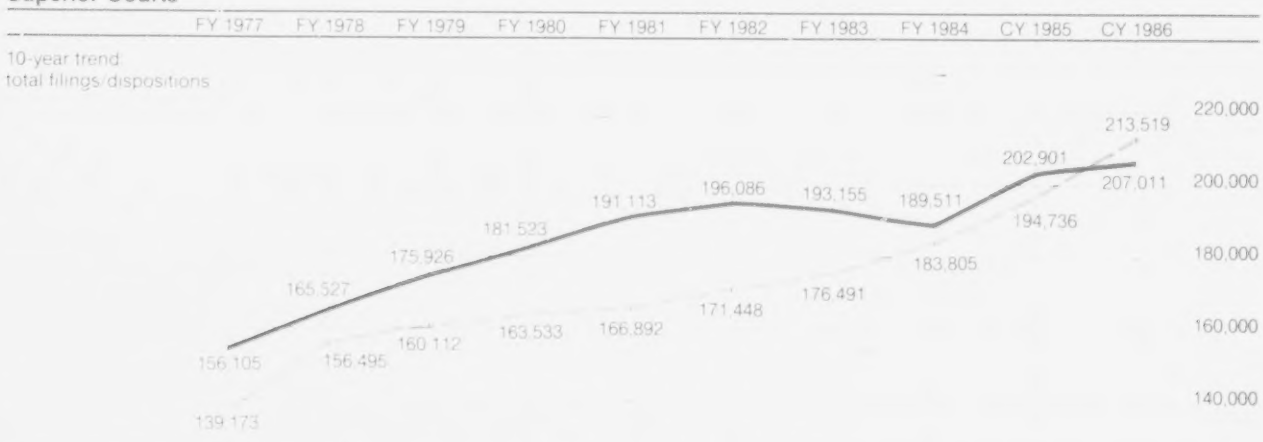
in the district and is assisted by a district court administrator who provides technical assistance for the courts. Administrative judges have statutory authority to use caseload and other information for management purposes and to assign superior court judges, with their approval, to serve temporarily in other counties and circuits as needed.

Superior court judges are elected to four-year terms in nonpartisan, circuitwide races. To qualify as a superior court judge, a candidate must be at least 30 years old, a citizen of Georgia for at least three years and have been authorized to practice law for at least seven years. Senior superior court judges, who have retired form the bench and attained senior status, may hear cases in any circuit at the request of the local judges or an administrative judge. All judges must fulfill a 12-hour annual compulsory education requirement.

On June 30, 1987, 131 judges were allocated to Georgia's 159 superior courts. Four additional judgeships for the Brunswick, Cobb, Griffin and Gwinnett judicial circuits were created by the 1987 General Assembly, and the new judges were appointed by Governor Joe Frank Harris for terms beginning with the 1988 fiscal year.

Recent caseload data for the superior courts is presented on the previous page. The four graphs compare total, civil, criminal and average filings and dispositions for fiscal years 1982, 1983 and 1984, and for calendar years 1985 and 1986. Trends in superior court filings and dispositions for the last ten years are depicted below. CY'86 total superior court caseload by circuit and case type is presented in the table on pages 12–13.

Superior Courts



CY 1986 Superior Court Caseload (Docket entries)

Circuit	Total Criminal Filed	Total Criminal Disposed	Felony Filed	Felony Disposed	Misdemeanor Filed	Misdemeanor Disposed
Alapaha	3,235	2,999	1,017	969	2,200	2,012
Alcovy	2,019	1,570	711	565	1,140	837
Appalachian	956	855	259	241	648	565
Atlanta	2,444	7,392	6,765	6,717	34	30
Atlantic	1,827	1,797	590	684	1,163	1,039
Augusta	1,989	1,661	1,193	1,035	615	445
Blue Ridge	604	557	486	448	57	48
Brunswick	1,768	1,437	962	795	754	590
Chattahoochee	2,240	1,968	1,443	1,265	676	582
Cherokee	1,466	1,372	555	553	762	670
Clayton	1,505	1,522	981	1,040	310	268
Cobb	2,354	2,458	1,984	1,858	200	430
Conasauga	1,782	2,031	435	534	1,162	1,312
Cordele	943	823	421	328	419	392
Coweta	1,379	1,330	930	893	306	294
Dougherty	1,275	1,083	1,085	874	1	0
Douglas	1,177	1,028	462	374	666	605
Dublin	1,328	1,407	318	350	943	990
Eastern	1,577	1,552	1,437	1,406	12	18
Flint	998	915	479	436	451	411
Griffin	1,608	1,519	906	876	578	519
Gwinnett	951	1,099	820	967	23	24
Houston	426	398	273	248	71	68
Lookout Mountain	2,212	1,996	700	744	1,486	1,226
Macon	1,593	1,605	1,201	1,179	183	217
Middle	738	812	581	654	34	35
Mountain	726	705	378	372	256	241
Northeastern	1,730	1,540	742	624	896	824
Northern	1,272	1,265	524	495	674	696
Ocmulgee	2,860	2,648	1,086	1,017	1,672	1,529
Oconee	1,221	1,328	462	516	681	734
Ogeechee	944	924	833	817	23	19
Pataula	921	906	516	496	335	340
Piedmont	879	898	389	376	434	466
Rockdale	810	907	192	214	557	632
Rome	1,738	1,644	395	451	1,227	1,077
Southern	1,604	1,523	1,235	1,134	178	198
South Georgia	692	646	504	461	77	74
Southwestern	977	955	539	519	270	268
Stone Mountain	3,502	3,609	3,281	3,388	0	0
Tallapoosa	1,779	1,629	442	446	1,280	1,126
Tifton	906	748	522	405	313	272
Toombs	1,630	1,592	275	283	1,259	1,213
Waycross	1,080	1,120	592	596	307	343
Western	776	667	598	499	55	45
TOTAL	71,441	68,440	40,479	39,142	25,388	23,724
AVERAGE PER JUDGE**	529	507	300	290	188	176

* These totals include 5,574 probation revocations not categorized in the six case types.

** Based on 135 superior court judges.

CY 1986 Superior Court Caseload (Docket entries)

Total Civil		General Civil		Domestic Relations		Total Caseload		Total Open
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload
1,318	1,354	666	686	652	668	4,553	4,353	1,357
2,477	2,360	1,032	975	1,445	1,385	4,496	3,930	3,074
976	1,095	532	589	444	506	1,932	1,950	1,362
10,237	11,083	4,006	4,428	6,231	6,655	17,681	18,475	7,794
2,856	2,444	1,170	982	1,686	1,462	4,683	4,241	1,469
6,861	7,113	1,595	1,827	5,266	5,286	8,850	8,774	8,317
1,920	1,819	540	462	1,380	1,357	2,524	2,376	1,207
2,829	3,075	1,233	1,398	1,596	1,677	4,597	4,512	2,387
5,744	5,840	1,537	1,661	4,207	4,179	7,984	7,808	2,970
2,517	2,706	1,229	1,374	1,288	1,332	3,983	4,078	2,675
3,271	3,383	746	719	2,525	2,664	4,776	4,905	2,573
7,670	9,191	1,576	1,559	6,094	7,632	10,024	11,649	4,523
2,850	2,810	1,179	1,107	1,671	1,703	4,632	4,841	1,866
1,666	1,487	880	752	786	735	2,609	2,301	1,082
4,075	4,739	1,410	2,001	2,665	2,738	5,454	6,069	3,240
2,193	2,037	864	795	1,329	1,242	3,468	3,120	1,594
2,211	2,399	1,306	1,317	905	1,082	3,388	3,427	3,040
2,144	2,553	927	1,244	1,217	1,309	3,472	3,960	1,238
4,091	3,372	1,598	1,279	2,493	2,093	5,668	4,924	1,979
2,437	2,512	1,296	1,405	1,141	1,107	3,435	3,427	2,622
3,091	3,684	1,519	1,976	1,572	1,708	4,699	5,203	2,462
5,024	5,658	1,621	1,819	3,403	3,839	5,975	6,757	1,590
1,729	1,968	464	561	1,265	1,407	2,155	2,366	1,564
3,028	3,584	987	1,249	2,041	2,335	5,240	5,580	3,330
4,052	3,723	1,465	1,536	2,587	2,187	5,645	5,328	2,784
2,430	2,361	1,045	1,060	1,385	1,301	3,168	3,173	1,746
1,577	1,681	598	621	979	1,060	2,303	2,386	691
2,775	3,502	1,186	1,401	1,589	2,101	4,505	5,042	2,005
1,618	1,725	654	683	964	1,042	2,890	2,990	1,885
3,408	3,386	2,078	2,103	1,330	1,283	6,268	6,034	2,959
1,464	1,547	697	736	767	811	2,685	2,875	595
1,912	2,202	1,054	1,176	858	1,026	2,856	3,126	977
1,545	1,417	827	764	718	653	2,466	2,323	919
1,751	2,159	790	1,077	961	1,082	2,630	3,057	1,574
919	1,542	641	1,087	278	455	1,729	2,449	866
2,434	2,698	1,030	1,252	1,404	1,446	4,172	4,342	3,277
3,861	3,851	1,782	1,751	2,079	2,100	5,465	5,374	812
2,282	2,025	1,138	988	1,144	1,037	2,974	2,671	2,516
2,059	2,498	1,005	1,292	1,054	1,206	3,036	3,453	982
7,877	9,724	1,909	2,395	5,968	7,329	11,379	13,333	7,933
2,733	2,910	1,335	1,467	1,398	1,443	4,512	4,539	2,575
2,001	1,844	960	832	1,041	1,012	2,907	2,592	1,790
1,091	1,434	446	577	645	857	2,721	3,026	1,264
2,651	2,527	1,175	1,109	1,476	1,418	3,731	3,647	1,831
1,915	2,057	745	814	1,170	1,243	2,691	2,724	1,512
135,570	145,079	52,473	56,886	83,097	88,193	207,011*	213,519*	106,871
1,004	1,075	387	421	616	653	1,533	1,582	792

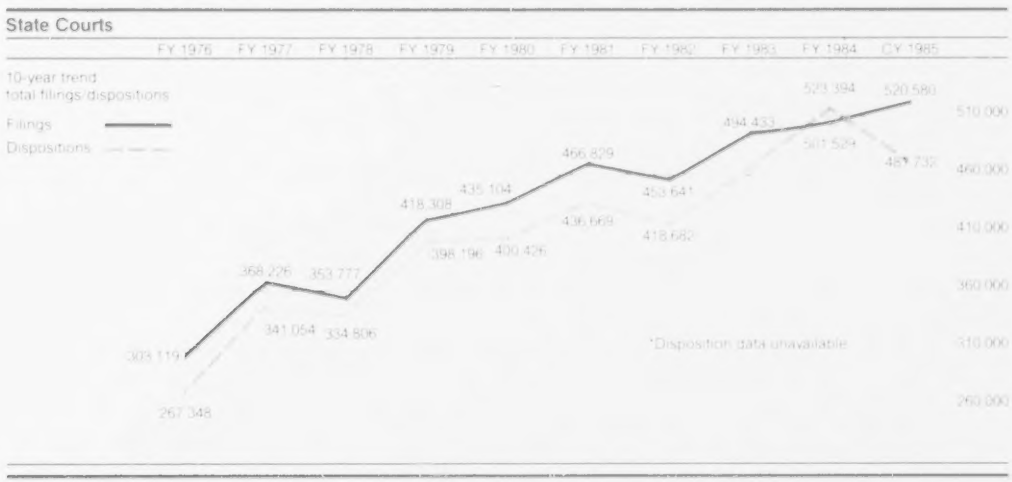
State Courts

A 1970 legislative act established Georgia's state court system by designating as such certain existing countywide courts of limited jurisdiction. In counties where they are located, these courts may exercise jurisdiction over all misdemeanor violations, including traffic cases, and all civil actions, regardless of the amount claimed, unless the superior court has exclusive jurisdiction.

State courts are authorized by statute to hold hearings regarding applications for and issuance of search and arrest warrants and to hold preliminary hearings. These courts may also punish contempt by fine of up to $500 and/or sentence up to 20 days in jail. The Georgia Constitution grants state courts the authority to review lower court decisions, if this power is provided by statute. Specified in the Uniform Rules for State Courts, procedures in the state courts generally parallel those of the superior courts.

The General Assembly may establish a new state courts in counties where none exist by local legislation. The legislature also specifies the number of judges to preside in state courts and whether they shall serve full or part-time. Part-time judges are permitted to practice law, except in their own courts.

In fiscal year 1987, 62 state courts operated in 63 counties. Georgia's only multi-county state court serves both Cherokee and Forsyth counties. Of the 79 judges currently presiding, 31 were full-time and 48 served on a part-time basis.



The State Court of Rockdale County became the state's sixty-third state court July 1, 1987, following action by the 1987 legislature. Additional judgeships were also created for the state courts of DeKalb, Gwinnett and Muscogee counties, effective on that same date. All are full-time judgeships.

State court judges are elected to four-year terms in nonpartisan, countywide elections. Candidates must be at least 25 years old, have practiced law for at least five years and lived in the county for at least three years. If a vacancy occurs in a judgeship, the governor may fill the office by appointment.

Above is a comparison of total state court caseload for fiscal years 1976–84 and calendar year 1985. CY'87 filings and dispositions are listed in the table below for 13 counties that voluntarily submitted data.

CY 1987* State Court Caseload (Docket entries)

	Misdemeanor		Traffic		Civil		Total Caseload	
County	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Carroll	763	574	4,834	3,208	N/A	N/A	5,597	3,782
Cobb	4,004	4,370	54,574	47,008	23,061	19,745	81,639	71,123
Colquitt	754	915	968	2,526	40	34	1,762	3,475
DeKalb	5,797	4,156	5,030	3,401	51,209	45,681	62,036	53,238
Fulton	15,373	12,153	5,878	5,878	42,923	42,404	64,174	60,435
Habersham	613	571	1,039	853	95	81	1,747	1,505
Lowndes	1,704	1,733	9,461	8,987	193	155	11,358	10,875
Pierce	267	256	641	641	17	16	925	913
Richmond	1,217	1,655	3,417	6,173	355	254	4,989	8,082
Sumter	1,007	883	1,147	1,144	60	55	2,214	2,082
Tift	1,276	1,052	4,606	3,904	147	166	6,029	5,122
Washington	367	282	416	347	11	7	794	636
Worth	211	176	1,658	1,569	68	63	1,937	1,808

* Data is for period 1/1/87 to 9/30/87

Juvenile Courts

The express purpose of Georgia's juvenile courts is to protect the well-being of children, to provide guidance and control conducive to a child's welfare and the best interests of the state and to secure as nearly as possible care equivalent to parental care for a child removed from the home.

The juvenile court's exclusive original jurisdiction extends to cases involving delinquent and unruly children under the age of 17 and deprived children under the age of 18. (During the past year, the Court of Appeals ruled that the juvenile court retains jurisdiction over 16-year-olds alleged to have committed a traffic violation, since, among other reasons, such offenses are considered delinquent acts.) Juvenile courts hold concurrent jurisdiction with superior courts in cases involving capital felonies, custody and child support cases and in proceedings conducted to terminate parental rights. The superior court has the authority to preside over adoption proceedings.

These courts administer supervision and probation cases for those persons under 21 who were sentenced for an offense committed before age 17. In addition, the juvenile court has jurisdiction over cases involving enlistment in the military services and consent to marriage for minors and cases that fall under the Interstate Compact on Juveniles.

Cases appealed from the juvenile courts may be heard by the Court of Appeals or the Supreme Court, depending on the specific matter, although most go to the Supreme Court.

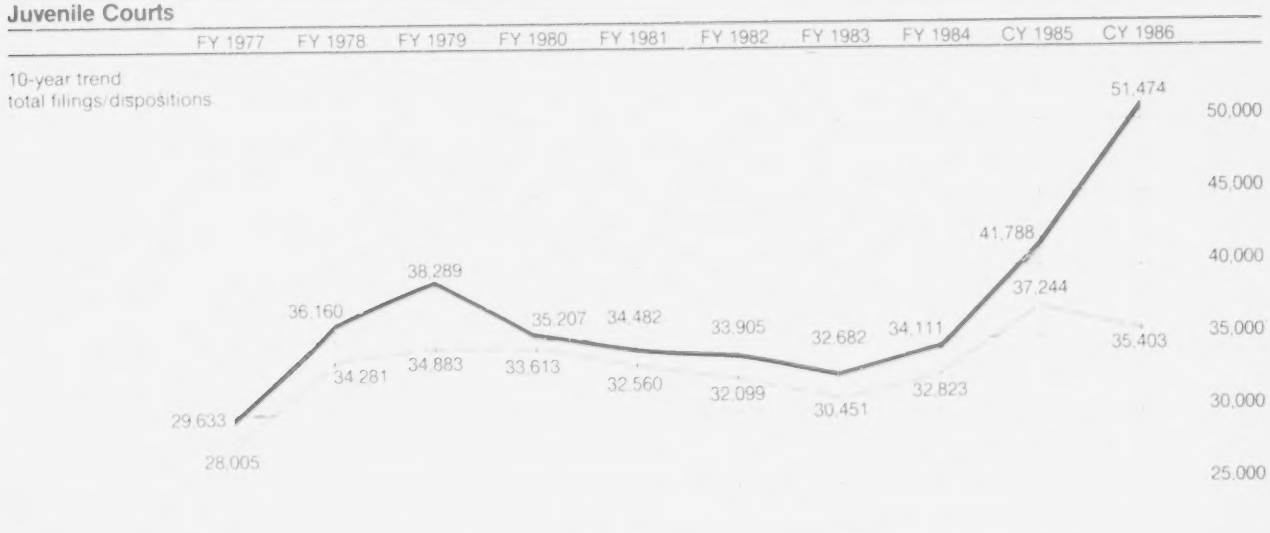
In 1982, the General Assembly enacted OCGA §15-11-3 to authorize a circuit-based juvenile court system and specify state salary supplements for circuits establishing judgeships on that geographical basis. However, since the legislature has yet to appropriate funds to implement the act, the state's 11 full-time and 40 part-time juvenile court judges who serve in the 62 separate juvenile courts continue to be funded by the individual counties.

In counties or circuits with no separate juvenile court judge, superior court judges hear juvenile cases. Twenty-six referees, who must be admitted to the state bar or have graduated from law school, serve in 32 counties to assist the juvenile or superior court judge with handling cases. Like the other trial courts, juvenile courts adhere to a set of uniform rules concerning procedures.

In most cases, juvenile court judges are appointed by superior court judges of the circuit for a four-year term (an exception is the election of the judge in Floyd County). Judges must be at least 30 years of age, have practiced law for five years and have lived in Georgia for three years. Full-time judges cannot practice law while holding office. State law requires that juvenile court judges participate in one annual continuing education seminar sponsored by the Council of Juvenile Court Judges in conjunction with the Institute of Continuing Judicial Education.

Total juvenile court filings and dispositions are compared below for fiscal years 1977–1984 and calendar years 1985 and 1986. Juvenile court caseload for CY'86 is presented by county in the table on pages 16–18.

Juvenile Courts



CY 1986 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Appling	32	19	29	21	0	0	20	12	9	0	90	52
Atkinson	25	25	3	3	0	0	15	3	0	0	43	31
Bacon	6	3	2	1	0	0	22	22	2	2	32	28
Baker	1	1	1	0	0	0	5	3	0	0	7	4
Baldwin	183	182	20	20	2	2	29	29	0	0	234	233
Banks	9	6	-	-	-	-	-	-	-	-	9	6
Barrow	88	60	22	11	2	2	27	9	15	11	154	93
Bartow	365	275	105	67	23	17	130	89	177	142	800	590
Ben Hill	28	22	-	-	-	-	10	10	-	-	38	32
Berrien	34	24	7	4	-	-	13	8	-	-	54	36
Bibb	731	705	154	144	12	12	138	124	295	214	1,330	1,199
Bleckley	14	14	-	-	-	-	1	1	1	1	16	16
Brantley	3	3	6	6	-	-	8	8	1	1	18	18
Brooks	38	22	12	5	-	-	13	13	18	15	81	55
Bryan	37	29	13	12	1	1	12	10	8	7	71	59
Bulloch	170	141	44	41	2	2	13	6	8	7	237	197
Burke	61	49	6	6	1	1	6	6	19	18	93	80
Butts	25	20	9	8	2	1	0	0	10	8	46	37
Calhoun	2	1	5	5	-	-	1	0	-	-	8	6
Camden	101	58	33	18	-	-	73	70	7	5	214	151
Candler	9	7	-	-	-	-	-	-	6	5	15	12
Carroll	264	252	164	151	37	37	120	89	20	14	605	543
Catoosa	187	166	77	72	8	7	27	23	21	20	320	288
Charlton	14	12	2	1	-	-	21	21	-	-	37	34
Chatham	1,158	1,051	239	212	147	118	350	338	146	132	2,040	1,851
Chattahoochee	15	13	3	3	-	-	8	7	1	1	27	24
Chattooga*												
Cherokee	239	77	120	25	-	-	93	44	56	32	508	178
Clarke	472	460	118	116	206	181	150	141	16	16	962	914
Clay	6	6	-	-	-	-	5	5	1	0	12	11
Clayton	758	667	353	302	278	274	343	303	119	-	1,851	1,546
Clinch	7	3	5	3	-	-	27	23	-	-	39	29
Cobb	1,668	1,446	979	923	658	562	423	374	136	121	3,864	3,426
Coffee	70	72	3	3	6	5	10	11	-	-	89	91
Colquitt	195	130	14	11	8	3	52	44	5	5	274	193
Columbia	158	153	54	53	32	32	26	26	9	7	279	271
Cook	49	48	7	7	1	1	7	7	3	3	67	66
Coweta	182	89	41	6	5	2	68	18	36	21	332	136
Crawford	14	12	1	1	0	0	1	-	2	2	18	15
Crisp	41	34	9	8	-	-	26	23	-	-	76	65
Dade	31	30	39	38	6	6	15	11	-	-	91	85
Dawson	15	9	6	5	-	1	2	8	-	-	23	23
Decatur	85	52	19	11	4	1	38	37	1	-	147	101
DeKalb	2,400	1,980	1,225	947	361	345	655	665	238	124	4,879	4,061
Dodge	20	20	5	5	-	-	-	-	-	-	25	25
Dooly	23	19	4	4	-	-	13	12	3	2	43	37
Dougherty	650	634	67	64	63	61	102	101	8	7	890	867
Douglas	345	319	168	141	27	25	70	52	46	38	656	575
Early	51	51	4	4	-	-	3	2	10	9	68	66
Echols	2	2	-	-	-	-	-	-	-	-	2	2
Effingham	51	44	7	7	13	12	1	1	3	3	75	67
Elbert	56	49	4	3	14	13	4	4	2	2	80	71
Emanuel	25	25	1	1	0	0	18	18	0	0	44	44
Evans	12	9	5	4	0	0	22	20	0	0	39	33

CY 1986 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Fannin	13	9	12	7	3	1	24	9	2	2	54	28
Fayette	108	100	16	15	31	29	21	13	9	6	185	163
Floyd	422	319	275	217	10	8	95	60	41	23	839	627
Forsyth	73	44	39	18	4	-	40	25	4	1	160	87
Franklin	40	26	11	4	0	0	3	1	9	9	63	40
Fulton **	5,789	NA	1,165	NA	651	NA	824	NA	357	NA	8,786	NA
Gilmer	35	34	30	29	0	0	8	6	8	8	81	77
Glascock	4	0	0	0	0	0	0	0	0	0	4	0
Glynn	314	311	143	143	26	26	66	66	1	0	550	546
Gordon	165	165	86	86	16	16	81	81	20	20	368	368
Grady	43	37	1	1	1	1	11	11	1	1	57	51
Green	16	15	4	3	0	0	3	3	0	0	23	21
Gwinnett	1,146	1,048	506	411	890	863	410	362	165	145	3,117	2,829
Habersham	26	20	1	1	1	1	41	36	3	1	72	59
Hall	234	234	187	186	78	77	124	124	7	7	630	628
Hancock	0	0	0	0	0	0	4	4	0	0	4	4
Haralson	62	52	15	13	0	0	26	20	8	6	111	91
Harris	49	48	16	15	2	2	0	0	1	1	68	66
Hart	42	38	9	6	5	4	13	2	2	2	71	52
Heard*												
Henry	169	167	68	66	147	146	55	57	11	11	450	447
Houston	419	302	377	317	32	30	264	208	35	20	1,127	877
Irwin	6	6	1	0	2	2	11	11	1	1	21	20
Jackson	55	8	6	3	4	1	44	1	13	0	122	13
Jasper	2	1	5	2	0	0	9	8	3	0	19	11
Jeff Davis	51	48	12	12	2	2	5	2	12	8	82	72
Jefferson	31	28	0	0	0	0	7	7	0	0	38	35
Jenkins	4	4	2	2	0	0	13	13	4	4	23	23
Johnson	6	6	1	1	0	0	7	7	4	4	18	18
Jones	49	39	19	17	0	0	0	0	3	3	71	59
Lamar	64	58	13	13	2	2	27	26	1	1	107	100
Lanier	27	26	5	4	0	0	8	8	0	0	40	38
Laurens	127	123	33	32	18	18	27	27	9	9	214	209
Lee	72	68	13	13	40	39	15	15	10	10	150	145
Liberty	304	274	92	85	13	10	43	38	11	8	463	415
Lincoln	5	2	0	0	2	0	8	2	0	0	15	4
Long	8	8	5	4	1	0	7	1	1	1	22	14
Lowndes	178	176	69	69	8	8	35	33	0	0	290	286
Lumpkin	21	15	1	0	0	0	5	0	0	0	27	15
Macon	36	25	13	11	41	35	1	1	1	0	92	72
Madison	50	18	10	4	8	2	9	7	11	2	88	33
Marion	8	6	4	1	0	0	10	4	1	0	23	11
McDuffie	69	63	9	8	0	0	15	13	3	3	96	87
McIntosh	12	7	12	7	1	0	1	1	1	1	27	16
Meriwether	38	30	9	8	3	3	41	34	34	34	125	109
Miller	37	31	1	1	1	1	3	3	3	1	45	37
Mitchell	104	102	1	1	0	0	15	17	0	0	120	120
Monroe	57	56	14	14	3	3	22	20	6	6	120	99
Montgomery	7	5	6	6	0	0	12	11	5	4	30	26
Morgan	101	95	17	14	2	2	22	19	6	6	148	136
Murray	102	100	55	51	3	3	48	47	9	9	217	210
Muscogee	1,169	1,003	569	463	207	177	457	375	189	162	2,591	2,180
Newton	237	236	105	102	36	36	267	262	79	75	724	711
Oconee	3	5	3	3	0	0	2	7	0	1	8	16

CY 1986 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Oglethorpe	20	13	2	2	0	0	12	6	3	1	37	22
Paulding	162	156	80	76	9	8	40	33	16	16	307	289
Peach	30	22	1	1	1	1	32	22	0	0	64	46
Pickens	20	6	5	2	1	1	44	39	1	1	71	49
Pierce	19	15	2	2	0	0	15	5	3	3	39	25
Pike	14	13	4	3	0	0	9	8	2	2	29	26
Polk	88	79	41	32	0	0	31	20	12	7	172	138
Pulaski	29	23	5	4	0	0	1	0	2	2	37	29
Putnam	20	19	0	0	0	0	1	1	1	1	22	21
Quitman	0	0	0	0	0	0	1	1	0	0	1	1
Rabun	28	24	5	4	2	1	7	7	6	6	48	42
Randolph	8	6	1	1	0	0	18	18	1	1	28	26
Richmond	1,165	1,058	374	367	38	30	177	5	10	8	1,764	1,468
Rockdale	126	126	74	74	102	102	73	73	35	35	410	410
Schley	6	6	2	0	1	1	16	12	0	0	25	19
Screven	45	44	8	8	0	0	13	12	0	0	66	64
Seminole	17	8	2	2	-	-	10	7	1	1	30	18
Spalding	230	230	78	78	4	4	165	163	38	38	515	513
Stephens	35	9	20	0	0	0	24	17	1	1	80	27
Stewart	8	5	2	2	0	0	1	1	1	1	12	9
Sumter	171	84	37	22	26	17	54	30	13	7	301	160
Talbot	5	4	1	1	0	0	5	5	2	2	13	12
Taliaferro	0	0	0	0	0	0	2	2	0	0	2	2
Tattnall	30	30	3	3	0	0	22	22	2	2	57	57
Taylor	2	1	1	0	0	0	0	0	3	3	6	4
Telfair	72	67	21	21	0	0	4	0	9	8	106	96
Terrell	32	30	4	4	3	2	23	23	1	0	63	59
Thomas	143	133	27	27	32	32	44	42	6	6	257	240
Tift	238	221	48	43	1	1	22	20	3	2	312	287
Toombs	54	54	2	2	0	0	51	51	0	0	107	107
Towns	4	4	1	1	2	2	1	1	0	0	8	8
Treutlen	25	21	3	2	0	0	2	2	7	5	37	30
Troup	666	660	85	84	7	7	116	111	9	9	883	871
Turner	56	30	3	4	0	0	3	4	0	0	62	38
Twiggs	25	15	0	0	0	0	18	14	12	4	55	33
Union	0	7	0	0	1	1	3	13	8	9	12	30
Upson	57	57	10	10	6	6	39	39	0	0	112	112
Walker	121	120	83	83	43	43	70	63	22	22	339	331
Walton	335	333	125	125	70	70	195	195	43	33	768	756
Ware	221	152	92	65	27	24	87	16	71	27	498	284
Warren	2	2	0	0	0	0	4	4	0	0	6	6
Washington	49	44	8	8	0	0	7	6	10	10	74	68
Wayne	71	70	26	26	2	2	82	82	4	4	185	184
Webster	2	2	0	0	1	1	2	2	1	1	6	6
Wheeler	13	13	12	12	0	0	6	6	0	0	31	31
White	12	10	0	0	0	0	4	4	3	3	19	17
Whitfield	372	361	259	257	108	102	182	177	45	45	966	942
Wilcox	3	1	0	0	0	0	7	7	0	0	10	8
Wilkes	8	8	2	1	1	1	3	3	12	12	26	25
Wilkinson	14	11	0	0	4	4	8	5	1	0	27	20
Worth	82	78	18	17	2	2	7	3	8	8	117	108

* Data not submitted by clerk of court

** Disposition data not submitted

Probate Courts

Located in each of Georgia's 159 counties, the probate court exercises exclusive original jurisdiction in the probate of wills, the administration of estates, the appointment of guardians and the involuntary hospitalization of incapacitated adults and other dependent individuals. If provided by local statute, probate judges may perform county governmental administration duties, serve as election superintendent, appoint persons to fill public offices, administer oaths of office, issue marriage licenses, hold habeas corpus hearings or preside over criminal preliminary hearings. Probate courts may also hear traffic cases and try violations of state game and fish laws, unless there is a demand for a jury trial, in which instance a case would be transferred to the superior court.

As of July 1, 1986, in counties with a population greater than 150,000 and where the probate judge has practiced law for at least seven years, a party to a civil case has the right to a jury trial if so asserted by a written demand with the first pleading. Appeals from such civil cases may be to the Supreme Court or Court of Appeals, depending on the particular matter.

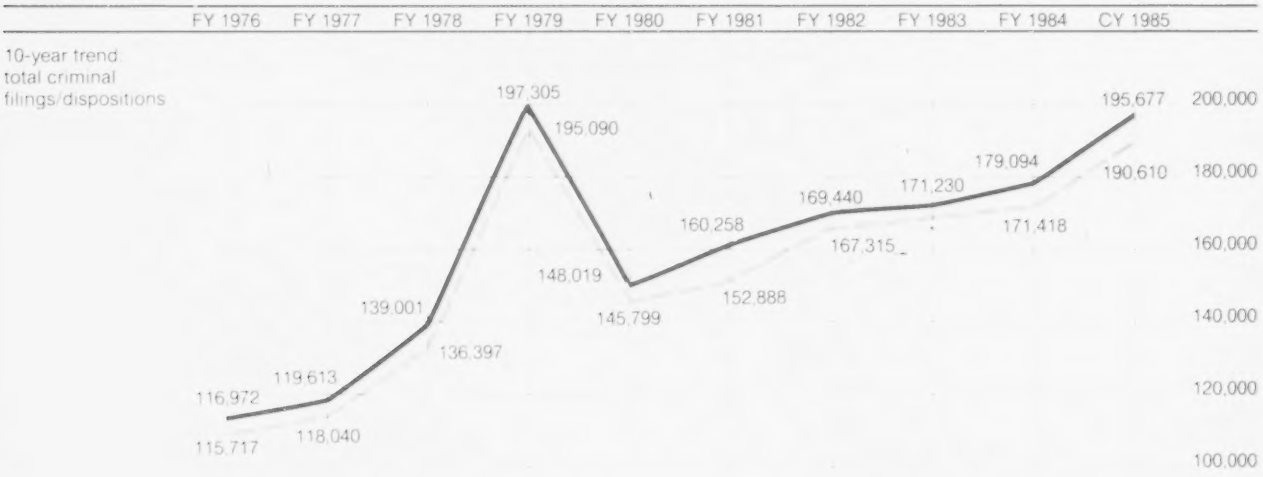
Probate court judges are elected to four-year terms in countywide, partisan elections. A candidate for office must be at least 25 years of age, a high school graduate, a U. S. citizen and a county resident for at least two years preceding the election. In counties with a population over 100,000, persons must fulfill further qualifications, including reaching the age of 30 and practicing law for at least three years or serving as clerk of the probate court for a minimum of five years.

If a vacancy occurs in a probate judgeship, state law requires that most counties hold a special election within 10 days. Until the new judge takes office, the chief judge of the state or city court or the clerk of the superior court serves a probate judge. In counties with a population between 200,000 and 250,000, the superior court judges may appoint a successor. A chief clerk who meets the qualifications for office may temporarily assume office upon the death, resignation, incapacity or inability of a judge to serve.

Newly elected or appointed judges must compete an initial training course in probate matters. In order to receive retirement credit, all judges are required to attend annual continuing education courses and seminars sponsored by the Executive Probate Judges Council and conducted by the Institute of Continuing Judicial Education. The council is a state agency composed of probate judges charged with the responsibility of advising the Institute on matters concerning continuing education for probate judges. (The council receives no state appropriation, but the members are reimbursed for expenses associated with meetings.)

A comparison of total criminal filings and dispositions for those probate courts exercising criminal jurisdiction is presented below for fiscal years 1976–1984 and calendar year 1985. CY'87 data voluntarily submitted by 75 probate courts exercising civil jurisdiction and by 38 probate courts exercising criminal jurisdiction are presented in the tables on pages 20–22.

Probate Courts



*Disposition data unavailable

Filings ——————

Dispositions — — —

CY 1987* Probate Court Civil Caseload (Docket entries filed)

County	Admin-istration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardian-ship	Year's Support	Hospital-ization	Habeus Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Atkinson	6	1	1	11	9	3	6	0	51	46	134
Bacon	9	2	2	9	7	2	9	0	91	29	160
Banks	9	1	0	15	14	4	0	0	55	40	138
Barrow	9	6	1	34	19	3	34	0	165	78	349
Ben Hill	7	4	1	39	7	4	10	0	127	38	237
Bibb	58	13	18	330	76	25	128	1	1,216	119	1,984
Bleckley	1	4	0	17	3	2	0	0	83	82	192
Brantley	6	5	1	13	5	4	0	0	78	46	158
Bryan	8	1	0	20	17	1	15	0	48	66	176
Butts	5	3	0	36	12	3	6	0	106	54	225
Candler	9	1	0	12	9	0	3	0	47	4	85
Charlton	4	2	0	5	7	2	4	0	1,014	4	1,042
Cherokee	21	7	9	108	31	12	17	0	465	233	903
Clarke	47	9	13	131	55	11	69	0	525	151	1,011
Clayton	62	21	10	214	205	53	85	0	1,823	474	2,947
Clinch	5	1	1	13	3	5	0	0	50	14	92
Cobb	97	40	22	614	156	56	92	3	3,460	922	5,462
Coffee	18	8	2	46	12	5	0	0	248	78	417
Colquitt	9	13	1	60	9	8	15	0	298	51	464
Cook	7	0	0	19	5	1	18	0	116	33	199
Coweta	11	8	3	68	16	13	40	0	271	98	528
Crawford	2	0	0	14	3	0	0	0	45	51	115
Crisp	10	8	1	40	9	1	17	0	160	49	295
Dawson	5	5	0	12	10	0	6	0	53	56	147
Decatur	0	3	2	9	2	0	0	0	63	21	100
DeKalb	133	99	134	758	296	111	175	10	4,122	1,087	6,925
Dougherty	19	7	9	164	74	5	68	0	866	214	1,426
Douglas	22	8	0	78	47	22	17	0	614	238	1,046
Early	6	0	0	28	1	0	13	0	51	23	122
Echols	0	0	0	2	0	0	0	0	3	1	6
Emanuel	46	29	7	98	40	3	90	0	239	450	1,002
Fannin	11	3	2	17	4	8	0	0	79	54	178
Fayette	2	5	0	22	8	2	1	0	125	42	207
Floyd	38	16	11	174	32	14	168	0	537	112	1,102
Forsyth	36	5	1	194	48	7	0	0	1,095	792	2,178
Fulton	286	242	177	1,171	824	99	25	0	5,444	1,823	10,091
Glynn	44	9	10	131	50	24	87	0	585	232	1,172
Grady	12	5	1	32	9	4	21	9	144	34	271
Gwinnett	62	27	8	274	146	34	58	0	2,337	738	3,684
Habersham	12	3	2	48	14	2	26	0	161	40	308
Hall	36	14	5	175	36	19	42	0	669	214	1,210
Haralson	23	0	0	38	10	3	30	0	231	120	455
Harris	6	5	2	38	10	4	0	0	140	97	302
Jackson	15	5	2	57	18	13	14	0	214	100	438
Lanier	1	2	0	11	4	0	6	0	35	13	72
Laurens	10	13	8	69	20	6	40	0	233	107	506
Lee	4	2	0	15	16	0	0	1	77	34	149
Liberty	50	3	0	25	72	4	26	0	464	40	684
Lowndes	44	14	6	125	26	12	24	0	808	182	1,241
Mitchell	5	3	0	33	8	0	0	0	102	45	196
Morgan	4	3	4	21	3	2	15	0	69	16	137
Muscogee	139	21	14	367	184	50	68	0	1,659	241	2,743
Oglethorpe	5	7	0	24	5	4	3	0	60	37	145
Paulding	14	2	1	50	21	7	0	0	293	103	491
Pickens	8	4	2	24	2	2	27	0	91	78	238

CY 1987* Probate Court Civil Caseload (Docket entries filed)

County	Admin-istration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardian-ship	Year's Support	Hospital-ization	Habeus Corpus	Licenses Marriage	Licenses Pistol	Total Civil
Pike	0	2	0	20	1	0	0	0	72	32	127
Putnam	7	3	4	23	5	2	10	0	84	38	176
Quitman	4	0	0	3	0	0	1	0	19	9	36
Rockdale	11	20	9	71	57	7	1	0	411	209	796
Seminole	3	5	0	21	2	0	10	2	603	21	667
Spalding	17	12	1	105	31	12	44	0	457	131	810
Stewart	4	0	1	10	1	0	0	0	30	0	46
Telfair	7	0	6	9	2	2	21	0	67	34	148
Terrell	3	2	1	20	8	0	0	0	57	45	136
Thomas	14	6	3	95	16	1	327	0	356	57	875
Tift	9	5	1	58	15	4	28	0	290	85	495
Towns	1	5	1	14	7	1	0	0	38	61	128
Turner	13	4	0	27	15	2	2	0	51	20	134
Union	6	3	0	14	9	2	0	0	88	85	207
Walker	13	15	8	129	57	18	36	0	197	66	539
Washington	6	2	3	31	7	2	9	0	131	38	229
Webster	0	0	1	3	0	0	0	0	17	20	41
Wheeler	0	2	0	4	1	0	0	0	36	7	50
White	5	3	0	26	7	3	7	0	83	61	195
Worth	12	4	0	43	14	5	8	0	149	52	287

* Data is for period 1-1-87 to 9-30-87

CY 1987* Probate Court Criminal Caseload (Docket entries)

	Misdemeanor		Traffic		Total Caseload	
County	Filed	Disposed	Filed	Disposed	Filed	Disposed
Atkinson	0	0	430	430	430	430
Bacon	37	30	461	516	498	546
Banks	62	70	813	783	875	853
Barrow	0	0	1,188	1,247	1,188	1,247
Ben Hill	31	27	513	491	544	518
Bleckley	0	0	502	502	502	502
Brantley	90	90	655	658	745	748
Butts	36	36	291	291	327	327
Charlton	0	0	1,519	1,707	1,519	1,707
Cook	60	63	2,987	3,453	3,047	3,516
Crawford	24	30	885	442	909	472
Crisp	73	61	2,365	2,478	2,438	2,539
Dawson	107	107	600	600	707	707
Echols	1	0	36	37	37	37
Fannin	110	115	583	709	693	824
Fayette	26	26	1,458	1,458	1,484	1,484
Floyd	0	0	4,205	3,922	4,205	3,922
Haralson	43	24	1,861	1,879	1,904	1,903
Harris	96	114	1,540	1,749	1,636	1,863
Laurens	90	71	3,676	3,626	3,766	3,697
Lee	29	30	781	825	810	855
Morgan	76	87	3,658	4,046	3,734	4,133
Oglethorpe	9	9	322	309	331	318
Paulding	25	31	814	701	839	732
Pickens	0	0	1,015	1,015	1,015	1,015
Pike	3	3	90	90	93	93
Quitman	67	67	257	258	324	325
Seminole	102	134	701	737	803	871
Stewart	46	48	495	547	541	595
Telfair	34	33	994	938	1,028	971
Terrell	0	0	824	813	824	813
Towns	65	59	188	189	253	248
Turner	0	0	1,734	1,864	1,734	1,864
Union	77	70	473	423	550	493
Walton	32	32	2,280	2,519	2,312	2,551
Webster	0	8	352	357	352	365
Wheeler	7	10	895	875	902	885
White	0	0	317	317	317	317

*Data is for period 1/1/87 to 9/30/87

Magistrate Courts

A statewide system of magistrate courts was constitutionally created in 1983 to replace justice of the peace, small claims and other similar courts. A chief magistrate, who may be assisted by one or more magistrates, presides over each of the 159 magistrate courts in the state.

Magistrate court jurisdiction encompasses civil claims of $3,000 or less; trials for county ordinance violations; applications for and issuance of arrest and search warrants; preliminary hearings; issuing summonses, dispossessory writs and distress warrants. Magistrates may grant bail in cases where the setting of bail is not exclusively reserved to another court, administer oaths and issue subpoenas, as well as sentence and fine for contempt up to ten days imprisonment and /or $200.

No jury trials are held in magistrate court, and cases involving county ordinance violations in which the defendant submits a written request for a jury trial are removed to superior or state court. The superior and state courts preside over appeals from judgments of magistrate courts as well.

In addition to hearing cases, duties of the chief magistrate include assignment of cases, setting of court sessions, appointment of other magistrates (with the consent of the superior court judges) and deciding disputes among other magistrates. Minimum compensation for chief magistrates and magistrates is fixed by statute. Unless otherwise provided by local law, the number of magistrates in addition to the chief is set by majority vote of the county's superior court judges.

Chief magistrates are either appointed or elected in partisan, countywide elections to serve for a term of four years. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them. The authority to appoint a replacement if a vacancy occurs in the office of chief magistrate usually resides with a circuit's superior court judges.

To qualify for office, candidates must reside in the county for at least one year preceding their term of office, be 25 years of age and have a high school diploma or its equivalent. New magistrates, unless they are active members of the state bar, must complete an initial 40-hour course for certification and all magistrates must satisfy an annual 20-hour continuing education requirement. The Georgia Magistrate Courts Training Council formulates the curricula for the seminars and sets the standards for certification, and the training courses are coordinated by the Institute of Continuing Judicial Education.

As provided by law, judges of other limited jurisdiction courts may also serve in the capacity of magistrate in the same county. At the end of FY'87, 30 probate judges, two civil court judges, two juvenile court judges and one municipal court judge also served as chief magistrate or magistrate of their respective counties.

Fiscal year 1987 magistrate court caseload is presented on pages 24-26 for 148 counties submitting data.

FY 1987 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	County Ordinances Filed	County Ordinances Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Filings	Total Hearings and Dispositions
Appling	1,152	239	2	2	635	622	140	140	1,929	1,003
Atkinson	201	0	0	0	197	210	77	77	475	287
Bacon*	184	71	0	0	135	141	64	64	383	276
Baker	112	95	0	0	85	52	23	23	220	170
Baldwin	2,045	384	0	0	2,570	0	1,869	1,869	6,484	2,253
Banks	274	165	1	0	188	186	46	46	509	397
Barrow	2,319	371	1	0	704	488	442	442	3,466	1,301
Ben Hill	1,950	194	0	0	1,261	978	932	932	4,143	2,104
Berrien	1,033	2	0	0	446	326	202	202	1,681	530
Bibb	7,270	3,071	0	0	2,187	1,731	1,023	1,023	10,480	5,825
Bleckley	470	142	0	0	232	221	106	106	808	469
Brantley	197	23	13	13	181	181	19	19	410	236
Brooks	442	219	5	5	565	372	166	166	1,178	762
Bryan*	270	70	0	0	150	151	37	37	457	258
Bulloch	3,310	84	3	2	1,662	2,263	580	580	5,555	2,929
Burke	1,333	40	0	0	614	686	255	255	2,202	981
Butts	904	132	7	7	393	348	122	122	1,426	609
Calhoun	120	3	0	0	149	165	73	73	342	241
Camden	1,826	584	148	84	681	427	321	321	2,976	1,416
Candler	345	123	1	1	277	210	93	93	716	427
Carroll	2,788	0	1	0	1,286	977	973	973	5,048	1,950
Catoosa	1,547	328	0	0	379	223	190	190	2,116	741
Chatham	7,746	3,518	0	0	5,802	3,225	8,475	8,475	22,023	15,218
Cherokee	4,044	95	2	1	957	554	965	965	5,968	1,615
Clarke	10,490	2,123	0	0	1,368	1,142	1,867	1,867	13,725	5,132
Clay	101	56	0	0	36	42	6	6	143	104
Clayton	6,485	8,748	130	116	1,707	1,138	6,800	6,800	15,122	16,802
Clinch	177	0	0	0	451	125	218	218	846	343
Cobb	12,113	1,511	1,460	1,470	2,274	1,789	0	0	15,847	4,770
Coffee*	2,496	538	0	0	775	585	402	402	3,673	1,525
Colquitt	2,324	0	0	117	1,915	553	760	760	4,999	1,430
Columbia	1,349	51	164	139	971	675	337	337	2,821	1,202
Cook	900	85	0	0	338	406	171	171	1,409	662
Coweta	2,121	442	246	285	1,910	1,258	827	827	5,104	2,812
Crawford	253	22	7	6	102	91	24	24	386	143
Crisp	1,933	520	0	0	779	747	587	587	3,299	1,854
Dade*	220	169	0	0	31	58	6	6	257	233
Dawson*	272	88	22	19	300	218	26	26	620	351
Decatur	1,146	337	0	0	1,058	89	576	576	2,780	1,002
DeKalb	17,849	17,289	667	607	3,383	2,668	124	124	22,023	20,688
Dodge	888	0	0	0	283	154	118	118	1,289	272
Dooly	512	24	0	0	312	220	121	121	945	365
Dougherty*	5,954	192	0	0	2,831	2,526	1,040	1,040	9,825	3,758
Douglas	3,500	704	235	205	870	435	1,339	1,339	5,944	2,683
Early	379	3	0	0	468	468	213	213	1,060	684
Echols	57	27	0	0	25	23	3	3	85	53
Effingham	532	19	2	2	420	396	86	86	1,040	503
Emanuel	1,262	562	117	117	910	910	347	347	2,636	1,936
Evans	488	164	0	0	473	159	110	110	1,071	433
Fannin	604	164	2	2	224	235	23	23	853	424
Fayette	1,249	408	90	94	481	423	217	217	2,037	1,142
Floyd	5,141	621	21	21	2,388	2,388	1,590	1,590	9,140	4,620
Forsyth*	943	0	0	0	407	0	0	0	1,350	0
Franklin	732	207	0	0	433	295	141	141	1,306	643
Fulton	14,440	19,127	24,499	8,645	4,347	1,641	57,757	57,757	101,043	87,170
Gilmer	552	222	1	1	326	354	54	54	933	631
Glascock	34	0	0	0	44	27	8	8	86	35
Glynn	4,252	144	55	87	1,718	482	1,422	1,422	7,447	2,135
Gordon	1,791	517	0	0	855	516	355	355	3,001	1,388
Grady	634	107	0	0	752	583	369	369	1,755	1,059

FY 1987 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	County Ordinances Filed	County Ordinances Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Filings	Total Hearings and Dispositions
Greene	687	577	0	0	529	362	243	243	1,459	1,182
Gwinnett*	4,744	1,973	0	0	1,526	1,733	2,698	2,698	8,968	6,404
Habersham	1,793	457	109	117	578	324	194	194	2,674	1,092
Hall	4,812	3,405	967	772	1,631	1,205	1,319	1,319	8,729	6,701
Hancock	227	104	0	0	618	608	304	304	1,149	1,016
Haralson	570	33	3	0	295	133	112	112	980	278
Harris	448	113	70	49	315	323	121	121	954	606
Hart	683	161	0	0	392	205	134	134	1,209	500
Heard*	183	0	19	19	96	72	35	35	333	126
Henry	1,779	1,443	324	311	1,175	753	524	524	3,802	3,031
Houston	6,016	2,019	0	0	1,252	1,174	1,272	1,272	8,540	4,465
Jackson	1,291	147	4	10	582	654	243	243	2,120	1,054
Jasper	304	128	0	61	193	134	73	73	570	396
Jeff Davis	1,048	1,036	0	0	532	536	314	314	1,894	1,086
Jefferson	999	297	0	0	718	718	493	493	2,210	1,508
Jenkins*	379	16	0	0	463	358	277	277	1,119	651
Johnson	361	8	0	0	249	185	99	99	709	292
Jones	542	0	0	0	531	309	93	93	1,166	402
Lamar	565	61	2	2	319	268	307	307	1,193	638
Lanier	367	30	0	0	177	169	36	36	580	235
Laurens	2,626	3	0	0	1,078	1,082	823	823	4,527	1,908
Lee	278	38	2	2	301	254	122	122	703	416
Lincoln	139	49	39	39	326	287	125	125	629	500
Long	227	68	2	4	90	63	9	9	328	144
Lowndes	5,238	1,894	102	99	4,338	1,835	2,921	2,921	12,599	6,749
Lumpkin	593	378	0	0	322	258	105	105	1,020	741
Macon	765	100	110	30	347	349	197	197	1,419	676
Madison	645	500	61	72	396	281	85	85	1,187	938
Marion	136	61	0	0	74	79	36	36	246	176
McDuffie	1,172	119	10	10	1,100	812	406	406	2,688	1,347
McIntosh	360	105	0	0	311	260	56	56	727	421
Meriwether	357	78	3	6	329	294	91	91	780	469
Miller	212	0	0	0	290	117	44	44	546	161
Monroe	561	68	0	0	446	371	214	214	1,221	653
Morgan	728	91	12	12	394	350	134	134	1,268	587
Murray	899	17	262	262	625	624	229	229	2,015	1,132
Muscogee	0	0	0	0	697	274	3	3	700	277
Newton	3,461	732	290	281	1,295	1,221	612	612	5,658	2,846
Oconee	214	0	1	1	168	133	79	79	462	213
Oglethorpe	213	39	0	0	167	149	48	48	428	236
Paulding	1,487	327	9	8	439	291	210	210	2,145	836
Peach	1,156	1,064	52	46	471	268	162	162	1,841	1,540
Pickens	641	0	0	0	255	140	46	46	942	186
Pierce*	163	47	0	0	54	42	12	12	229	101
Pike	280	186	0	0	272	132	41	41	593	359
Polk	1,306	130	17	3	651	326	263	263	2,237	722
Pulaski	317	103	0	1	266	170	58	58	641	332
Putnam	351	464	0	0	1,009	652	322	322	1,682	1,438
Rabun	563	3	2	1	238	210	42	42	845	256
Randolph	331	40	0	0	219	219	20	20	570	279
Richmond	11,033	2,063	8,444	8,444	7,079	5,693	6,187	6,187	32,743	22,387
Rockdale*	1,438	866	333	305	564	428	633	633	2,968	2,232
Schley	176	144	0	0	75	50	28	28	279	222
Seminole	316	71	0	0	301	266	119	119	736	456
Spalding	3,186	1,074	15	15	2,037	1,327	2,287	2,287	7,525	4,703
Stephens	1,580	246	0	0	477	558	168	168	2,225	972
Stewart*	207	10	0	0	42	37	22	22	271	69
Sumter	2,467	2,085	0	0	814	888	789	789	4,070	3,762
Talbot	0	0	0	0	163	0	12	12	175	12
Taliaferro	35	0	0	0	35	0	0	0	70	0

FY 1987 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Commitment Hearings	County Ordinances Filed	County Ordinances Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Filings	Total Hearings and Dispositions
Tattnall	606	62	2	2	549	541	142	142	1,299	747
Taylor	233	41	0	0	233	56	30	30	496	127
Telfair	779	88	0	0	344	334	193	193	1,316	615
Terrell	674	289	0	0	335	353	165	165	1,174	807
Thomas	2,724	810	5	8	2,011	1,425	1,120	1,120	5,860	3,363
Tift	3,054	357	0	0	989	852	424	424	4,467	1,633
Toombs	3,621	9	0	0	1,192	942	488	488	5,301	1,439
Towns	235	14	0	0	43	38	7	7	285	59
Treutlen	284	29	0	0	82	85	47	47	413	161
Troup	2,145	138	0	0	3,665	3,151	2,817	2,817	8,627	6,106
Turner	518	206	0	0	223	224	90	90	831	520
Twiggs	276	116	0	0	154	162	40	40	470	318
Union*	534	11	0	0	120	119	11	11	665	141
Upson	996	324	0	0	691	28	347	347	2,034	699
Walker	1,097	608	50	51	671	316	328	328	2,146	1,303
Walton	1,894	359	274	287	854	737	928	928	3,950	2,311
Ware	2,954	838	112	106	739	672	545	545	4,350	2,161
Warren	124	0	0	0	233	114	111	111	468	225
Washington	1,018	14	0	0	1,046	715	420	420	2,484	1,149
Wayne	1,181	57	0	0	401	247	214	214	1,796	518
Webster	39	36	0	0	37	58	5	5	81	99
Wheeler	205	32	0	0	173	134	34	34	412	200
White	558	266	0	0	321	320	60	60	939	646
Whitfield	5,491	617	0	0	2,021	2,159	1,243	1,243	8,755	4,019
Wilcox*	131	38	0	0	160	163	79	79	370	280
Wilkes	319	53	1	1	341	321	208	208	869	583
Wilkinson	223	5	14	14	389	348	119	119	745	486
Worth	871	106	0	0	396	357	218	218	1,485	681
TOTAL	252,494	95,938	39,624	23,499	116,840	84,540	132,321	132,321	541,279	336,298

* Partial submissions for FY 1987.

Note: 133 counties submitted data for all quarters.
148 counties submitted data for some quarters.
11 counties did not submit reports.

Other Courts

Along with the two appellate and five classes of trial courts, approximately 400 local courts form the Georgia court system. Several special courts and numerous (390) courts serving incorporated municipalities operate under a variety of names with varying jurisdiction.

Originally created by statute or constitutional provision, certain special courts have limited civil and criminal jurisdiction throughout the county. Such courts include the civil courts located in Bibb and Richmond counties and the Municipal Court of Columbus (see court organizational chart, p. 6). Special courts authorized to exercise criminal jurisdiction only are the county recorder's courts of Chatham, DeKalb and Gwinnett counties and the consolidated government of Columbus-Muscogee County.

At the local level, Georgia has courts of incorporated municipalities that try local traffic offenses, exercise criminal jurisdiction of magistrate courts and may have concurrent jurisdiction over cases involving one ounce or less of marijuana. Although first established under various names (city courts, mayor's courts, municipal courts, police courts, recorder's courts), these courts were redesignated as municipal courts by the 1983 state constitution. (An exception is the City Court of Atlanta, which retains its original name.)

Qualifications of judges and terms of office in municipal courts are set by local legislation.

Judicial Agencies

Judicial Council of Georgia

Since its creation by statute in 1973, the Judicial Council has served the Georgia judiciary and citizenry as the state-level judicial planning agency by coordinating administrative efforts for and recommending improvements in the state judicial system. An administrative arm of the Supreme Court since 1978, the council advises the legislature and the governor on the need for additional superior court judgeships by evaluating circuit caseloads and circumstances. The council also responds to legislative directives and individual requests for studies and initiates projects to generate efficiencies in the state's courts.

Twenty-four representatives of the appellate and trial courts serve on the Judicial Council. The Supreme Court's chief justice and presiding justice act as the chairman and vice chairman, respectively. The chief judge and another member of the Court of Appeals, the five presidents and presidents-elect of the superior, state, juvenile, probate and magistrate court councils and the 10 superior court district administrative judges complete the council's membership.

The full council meets at least twice each year, as it did in December 1986 and June 1987, to consider its committees' recommendations regarding specific studies and ongoing projects. It oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting (see following pages).

The Judicial Council entered into a $69,000 contract with the 10 judicial administrative districts for district personnel to conduct the 1985 calendar year casecount in the summer of 1986. Raw data obtained by the districts was analyzed by the Administrative Office of the Courts and the results were submitted to the council for evaluation in regard to seven requests for additional superior court judgeships.

In considering added judgeships, the Judicial Council seeks to achieve a balanced and equitable distribution of superior court caseload in order to promote speedy and fair trials of citizens' cases. Endorsements are based on information that clearly and convincingly depicts the necessity of additional manpower, and, as a matter of policy, the council does not recommend the creation of new part-time judgeships or additional circuits. The council compares a requesting circuit's situation, in terms of weighted caseload, average filings, jury trials, open caseload, population and days of senior judge assistance, to that of the remaining circuits. Following evaluation of these factors in 1986, the council recommended to Governor Harris and the General Assembly the creation of five superior court judgeships in the Appalachian, Brunswick, Cobb, Griffin and Gwinnett judicial circuits.

In response to requests from three state courts, the council evaluated caseload data for DeKalb, Muscogee and Richmond counties and found that the relevant statistics justified the creation of additional judgeships for each of the courts. Asked to make recommendations regarding the abolition of certain limited jurisdiction courts and the addition of superior court manpower in the Augusta and Blue Ridge circuits, the Judicial Council disapproved both requests.

Prior to the casecount conducted at the close of FY 1987, the council was asked to study other judgeship related issues in relation to calendar year 1986 caseload data. A State Representative from the Brunswick Judicial Circuit petitioned the council to examine simultaneously with a legislative study committee the feasibility of dividing that five-county circuit into two separate circuits. Requests from a state senator and a chief judge for a council recommendation concerning the consolidation of the Houston County state and superior courts were received. In addition, officials from

the Flint and Stone Mountain circuits requested a new superior court judgeship for each of their courts.

The Judicial Council prepared for the CY'86 caseload study by altering its casecount methodology. It was determined that state appropriations for casecounting would be designated for superior courts only. The amended methodology included the following substantive changes:

1) both the state and probate courts would be requested to voluntarily submit caseload data tallied by the individual courts;

2) probation revocations would be counted as criminal, rather than civil, cases and would be obtained directly from the Department of Corrections rather than from dockets;

3) independent motions (previously a separate civil case type) would be reclassified as either domestic relations, civil or criminal cases;

4) civil disposition categories would be collapsed into pretrial, bench trial and jury trial, thereby eliminating more detailed pretrial categories;

5) criminal case disposition categories would be classified as bench trial acquittal or conviction, jury trial acquittal or conviction, guilty plea, cash bond and nontrial;

6) traffic cases would be counted as misdemeanors (new weighted-caseload values would be assigned for misdemeanor cases);

7) juvenile cases would be counted by field survey only where computerized reporting information was incomplete from a juvenile court served by a superior court judge; and

8) contested garnishment and outgoing uniform reciprocal enforcement of support cases would be counted as disposed on the date filed.

Also during the year, a Judicial Council committee completed a study requested by the 1986 Georgia House of Representatives to identify existing child support enforcement programs and collection methods among the state's courts and executive branch agencies and to suggest legislation which would correct inefficiencies and duplication of resources. Throughout the year, the committee reviewed applicable state and federal laws governing child support enforcement and related reports, received testimony from state and national experts and examined data on enforcement programs collected from state child support receiver offices and neighboring states.

The Judicial Council reviewed the committee's report to consolidate child support collection in one office under the supervision of a court officer under contract with the Office of Child Support Recovery, networked into its state-level computer system. The committee concluded that such consolidation and structural simplification would provide comprehensive data on all enforcement orders and eliminate more costly and less effective collection present in the fragmented system. The committee also endorsed a stronger role for the judicial branch in child support recovery. Final action by the Judicial Council was deferred until its December, 1987, meeting.

The council's Electronic Data Processing Committee continued toward its objective of defining data elements and formats for the electronic storage of information concerning judicial workload in the superior courts. At the close of the fiscal year, the committee recommended minimum standards for civil and criminal data elements for consideration by courts when installing any computer system.

Also at the end of the year, the council considered its case-by-case committee's recommendation that the council seek state funding to expand its pilot case reporting project to the 15 counties in the ninth judicial district and to replace federal funds in the six counties where the project was already operational. It adjusted its case reporting methodology and changed certain reporting requirements to further assist judges and clerks participating in the project.

In attending to its administrative duties, the Judicial Council approved the 1987 calendar year magistrate court judges' training curricula proposed by the Institute of Continuing Judicial Education and the Georgia Magistrate Courts Training Council, with an amendment to include a short segment on search warrants. The council also selected new attorney and court reporter members for the Board of Court Reporting and clarified the per diem compensation for court reporters regarding certain proceedings in criminal trials.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) provides budget, research and management information services for the state court system and serves a liaison function through its administrative activities in connection with national-level and other state-level judicial agencies. The AOC also serves as staff to the Judicial Council, working closely with the chairman, the chief justice of the state Supreme Court.

The AOC's administration/operations division performs fiscal support services that involve coordination of the judicial branch appropriations request as well as serving as accounting officer for eight other judicial agencies. The fiscal office handles tasks associated with accounts payable, cash management, purchasing, inventory control, personnel records and financial reporting for these agencies.

In FY'87, the AOC fiscal section managed 62 separate funding sources comprising all or part of five of the seven budget units in the judicial branch (see table, p. 2). These funding sources included 25 state fund allocations, 22 federal grants and 15 fee or other revenue accounts.

Effective July 1, 1986, the AOC converted its payroll system, which covers 60 employees in six judicial agencies, to the state's Personnel Accounting and Control System (PACS). Inquiries concerning a conversion of its financial accounting system to the Financial Accounting and Control System (FACS) led to the conclusion that it would not be cost effective due to the multitude of budget units and funding sources involved. As a result, the AOC continued to upgrade its existing system.

At the request of the Council of Superior Court Judges, the AOC conducted a fringe benefit analysis of the superior courts. The study concentrated on benefits available to superior court judges, judicial secretaries and law clerks, and evaluated the three benefit categories, including employer-paid programs, payroll reductions (tax deferred or exempt programs) and payroll deductions (after-tax programs). The analysis, an informative summary of benefit options, was presented at the superior court judges' summer seminar.

Another function of the administration/operations division is the promotion of communication and the exchange of information among judges, court support personnel and public and private judicial organizations. This objective is accomplished primarily through the production of a variety of informational publications, including the *Georgia Courts Journal*, a periodical which informs readers of changes in court procedure, judicial personnel appointments and elections, recent legislation, local and national court management activities and judicial process events. In FY'87, four *Journals* and one index were published and distributed to 3,000 local, state and national officials.

The AOC prepared and distributed eight weekly issues of the *Judicial Legislative Log*, a digest of court-related legislation, to more than 800 judges, county officers and court administrative personnel. The *1986-87 Georgia Courts Directory*, which contains address information for Georgia county, state and federal judicial branch officials, was provided at no cost to judicial branch personnel and was made available at cost to attorneys and other interested persons.

The AOC produced the judiciary's *Thirteenth Annual Report on the Work of the Georgia Courts* and coordinated approximately 150 printing projects for the AOC and other judicial agencies. Ten issues of the *Public Relations Digest* — abstracts of news and feature items about the judiciary — were compiled and circulated to Judicial Council members to gauge public opinion about court activities and to identify matters of concern to the council. Seven press releases were issued to the state's print and electronic media during the year to announce Judicial Council action regarding the creation of additional superior court judgeships.

The AOC coordinated the revision of the *Georgia Probate Court Benchbook*, working closely with a committee of the Council of Probate Court Judges and the fiduciary committee of the State Bar of Georgia to update and reformat the 1979 edition. Staff assistance was also provided in the printing and dissemination of new uniform probate court forms which were mandated effective July 1, 1987.

The AOC's research/court services division is responsible for gathering statistical, financial and other information on the judicial work of the courts in order to distinguish current and anticipated needs and to propose recommendations for improvement. The AOC responds to requests for studies from the General Assembly and the judicial community and initiates projects to fulfill its legislatively prescribed duty to serve the courts (see list of AOC duties, p. 30).

Each year the primary research effort is aimed at supervising the collection of caseload and other data on the trial courts' work. Through a contract with the judicial administrative districts, the AOC expended $69,000 on manual counting of calendar year 1985 cases in the superior and juvenile courts. New casecounting strategies were designed to incorporate changes necessitated by a switch from a fiscal to calendar year count period, and casecount forms were revised accordingly. Both the Delphi and Ratio weighted caseload systems were adjusted for the new methodology. CY 1985 data submitted by district personnel was audited and analyzed in terms of judicial workload and presented to the Judicial Council to formulate recommendations on the need for seven additional superior court judgeships, three state court judgeships and the consolidation of the state and superior courts in three counties.

The AOC generated reports of district, circuit and county caseloads in response to individual requests for caseload information and compiled open caseload reports for the 45 superior court circuits for CY 1985. Following an analysis of the number of open cases, the AOC estimated average processing times for each judicial circuit and notified judges of their circuit's current rate of case dispositions.

As a result of the 1986 amended casecounting methodology, the state and probate court judges' councils requested AOC assistance in introducing caseload reporting systems for their courts. AOC staff designed separate methodologies, procedures manuals and collection forms and assisted in the implementation of quarterly reporting systems in both courts.

The AOC continued to work with the Council of Magistrate Court Judges on its caseload reporting system as required by a uniform magistrate court rule that became effective July 1, 1986. The initial system was evaluated and redesigned to simplify collection procedures and eliminate difficulties encountered during the first year of operation, and to comply with statutory changes in magistrate court jurisdiction. Following

Duties of the Judicial Council/ Administrative Office of the Courts

1) Consult with and assist judges, administrators, clerks of court and other officers and employees of the court pertaining to matters relating to court administration and provide such services as are requested

2) Examine the administrative and business methods and systems employed in the offices related to and serving the courts and make recommendations for necessary improvement

3) Compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which shall be provided by the courts

4) Examine the state of the dockets and practices and procedures of the courts and make recommendations for the expedition of litigation

5) Act as fiscal officer and prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system

6) Perform such additional duties as may be assigned by the Judicial Council

7) Prepare and publish an annual report on the work of the courts and on the activities of the Administrative Office of the Courts

8) Receive grants from any source, public or private, and expend funds and perform services in accordance with the terms of any grant

9) Prepare, publish and distribute, from time to time, studies and reports relating to the administration of justice, impose reasonable charges for such reports where appropriate on either an individual or subscription basis and retain any proceeds of such charges

10) Provide clerical, technical, research or other assistance to individual courts to enable them more effectively to discharge their duties

11) Enter into contracts as necessary to perform its other duties

these changes, the AOC revised the case data forms and instructional manual and distributed them to the 159 magistrate courts. Computerized caseload reports were generated for each magistrate court submitting data, and the AOC produced quarterly totals and distributed reports to the chief magistrates.

Initial processing of data on superior court cases in six counties was begun in FY 1987 under a pilot case reporting system funded by a justice assistance block grant. AOC research staff received civil and criminal case information from superior court clerks' personnel in Bartow, Fayette, Hall, Lumpkin, Pulaski and Rockdale counties and compiled and analyzed data via computer. Reports were generated according to data periods specified by the participating courts on a monthly basis. The AOC also began to investigate the feasibility of integrating the project's data elements with two software applications presently available to Georgia courts for computerizing court functions.

By comparing results of two previous surveys on the use and applications of computers in Georgia courts, the AOC studied the increase of computer applications in the state's 45 superior courts from 1984 to 1986. The AOC demonstrated that the number of computers in use almost doubled, with the total number of computer applications rising nearly 300%. In updating its survey of court computer usage, the AOC determined that the development of less expensive, high capacity hardware and software specially adapted to the state's court system particularly impacted the degree of automation.

As mandated by a 1986 House of Representatives resolution, the AOC and the Judicial Council studied child support enforcement powers and programs in Georgia courts and agencies. Along with the judicial administrative district personnel, the AOC surveyed caseloads and child support collections from selected child support receivers in Georgia and contacted neighboring states' court administrative offices to obtain information on support enforcement. A comprehensive analysis of significant problems in enforcement procedures and organization structure was prepared. It stressed that the most pressing need is for a statewide computer system capable of relaying current information about cases and collection and disbursement of support funds.

Also during the year, the AOC assisted the Judicial Council's Electronic Data Processing Committee in evaluating superior court information systems and assessing superior court clerks' reporting requirements. The AOC identified agencies to which superior courts are required to report case data and interviewed agency personnel to determine reporting requirements, data definitions and computer file structures. Additionally, data elements needed for an auto-

mated superior court trial management system were identified.

Ongoing responsibilities in disseminating court management information were met throughout the fiscal year. The AOC conducted initial mail and follow-up telephone surveys of court officials for its annual salary survey and forwarded requested information on the results. Five statewide records retention schedules drafted by the AOC were later approved by the State Records Committee to assist local officials in managing court records. The AOC assisted in the drafting and approval of micrographic standards for Georgia agencies which are applicable to all state agencies and local governmental bodies engaged in microfilming public records. Legislative tracking services were provided to trial court judges' councils during the 1987 session of the Georgia General Assembly to summarize proposed measures affecting their courts.

During the past year, the AOC continued to provide secretariat services to six agencies and organizations. As required by statute, staff assistance was provided to the Board of Court Reporting and the Georgia Magistrate Courts Training Council. The AOC's judicial liaison officer also worked with the Council of Probate Court Judges' bylaws committee, assisted the Executive Probate Judges Council in the development of training curricula, staffed meetings of the Superior Court Clerks Training Council and aided the Council of Magistrate Court Judges in the development of their benchbook.

The AOC coordinated the judging of the national high school essay contest held in conjunction with the celebration of the bicentennial of the U. S. Constitution. Judging of 417 essays proceeded through three rounds and used persons from the state academic, civic, judicial and legal communities as judges. The essays were entered by Georgia students on the topic: *"The Constitution: How Does the Separation of Powers Help Make It Work?"*

Also during the year, AOC Director Robert L. Doss, Jr. served as president of the national Conference of State Court Administrators and, by virtue of that position, on the board of the National Center for State Courts.

Board of Court Reporting

The Board of Court Reporting operates under authority of the 1974 Georgia Court Reporting Act to assist the state's judiciary by insuring proficiency in the practice of court reporting and encouraging high standards of professionalism among reporting practitioners. The board also investigates complaints filed against court reporters and administers disciplinary action when warranted. The Judicial Council appoints board members and governs official court reporting fees through regulation and adjustment of an established fee schedule.

The board conducts examinations twice annually as part of a qualifications procedure to certify court reporters in the state. Both freelance and official court reporters are required to achieve certified status or to obtain a temporary permit from the board or from a judge to practice.

The exams consist of a skills test in one of three elected methods of takedown, including machine or manual shorthand or Stenomask. Reporters must pass the "B" test, which involves dictation, transcription and a written exam, to become certified. The optional "A" test provides certified reporters an opportunity to upgrade their professional status. Individuals who pass the initial examination submit a renewal fee by April 1 of each year to remain certified.

At the two tests administered in FY'87, 26 percent of the 265 persons taking the "B" test passed and were certified, with two reporters upgrading their certificates from "with backup" to "without backup." One reporter of 19 successfully completed the "A" test. Additionally, the board issued 13 "B" certificates to Georgia reporters recognized by the National Stenomask Verbatim Reporters Association and the National Shorthand Reporters Association, since affiliation with these groups verifies that the reporter has been tested at or above the board's "A" level and passed.

As of June 30, 1987, there were 746 active certified court reporters in the state. Nine reporters held temporary judicial permits, while 59 were working on temporary board permits. The board issued 90 new temporary permits during the year.

The board disposed of three formal complaints in FY'87. One case was dismissed due to lack of probable cause, one was withdrawn by the complainant prior to a full hearing and a hearing was held on a third case which resulted in a resolution between the parties and the complaint being withdrawn.

A 13-page revision to the *Certified Court Reporters Handbook* was distributed in the spring of 1987 to all certified reporters and to judicial personnel who requested a copy. Recent changes to the board's rules and regulations were included in the revision, along with updates to opinions of the board, opinions of the Judicial Council or the Attorney General and updates to state statutes and case law.

In response to requests for opinions, the Judicial Council ruled that the $75 per diem paid to official reporters includes all takedown in a criminal case, provided the court orders that all voir dire, opening statements, closing arguments and additional motions be recorded. Attorney General's Opinion 87-17 interpreted Official Code of Georgia §9-11-30(e) as placing no limitations on the type of changes that may be made by a witness before signing a deposition.

The Georgia Certified Court Reporter's Association, the profession's alliance for education

and training, held two seminars during the year, in Macon and at St. Simons Island. Topics discussed at the fall seminar included the unified appeal procedure, a session on lawsuits filed against court reporters and the benefits of errors and omissions insurance. The spring seminar included presentations on the state council of notaries public and ways to reduce tax liabilities under the revised federal tax laws.

Seven members comprise the Board of Court Reporting and include four certified court reporters, two representatives from the State Bar of Georgia and one representative from the judiciary, who has historically been a superior court judge. The members serve two-year terms of office, and the Judicial Council appoints new members to fill any vacancies which may occur. Each person is required to have accumulated at least five years' professional experience to qualify for membership. In addition to the seven members, the director of the Administrative Office of the Courts serves as secretary, and the clerk of the board performs staff functions.

Council of Juvenile Court Judges

(Annual Report for fiscal year 1987, as required by OCGA §15-11-4.)

The Council of Juvenile Court Judges is composed of all judges of the courts exercising jurisdiction over juveniles. Current membership includes 51 part or full-time juvenile court judges, 57 superior court judges exercising juvenile court jurisdiction and 27 juvenile court referees. Staff of the council provide assistance for judges and local court staff regarding matters of court administration, court services, probation and intake standards and procedures, foster care review, uniform dockets, automation, uniform court rules and other issues relating to the special functions of juvenile court. Judges and referees receive yearly certification training at seminars conducted by the Institute of Continuing Judicial Education.

State funds for administrative costs of the council's Purchase of Services for Juvenile Offenders program were initially appropriated by the Georgia General Assembly during its 1987 session. The program, now operating in 91 counties, makes funds available to local juvenile courts to establish community-based resources for children whose cases have been informally adjusted or probated. Federal funds from the Office of Juvenile Justice and Delinquency Prevention make it possible for the council to reimburse participating counties for the costs of services such as: counseling, diagnostic testing, tutoring, restitution programs, transportation and residential programs. In FY'87, $210,340 was expended by local juvenile courts to extend services for status offenders and delinquents. Some 1,800 children were referred to the program by their local juvenile court judge.

A 40-page handbook entitled *Restitution: An Alternative Program for Your Juvenile Court* was published and distributed by program staff to judges, court service workers and probation officers across the state. The handbook includes sections on the types of restitution, developing and implementing plans in the community, as well as the text of Georgia laws governing restitution and sample forms used in restitution programs.

Sponsorship of a second Permanency Planning Conference and initial publication of a quarterly newsletter for judicial citizen review panel members were the major achievements of the Permanent Homes for Children project in FY'87. Citizen review panels are operative in 21 counties where volunteers evaluate foster care plans for children under the court's jurisdiction and make recommendations to the judge concerning a permanent plan for the child's future.The conference, designed for judges, panel members and protective services workers, was held on November 14, 1986, in Atlanta. Some 220 persons from around the state attended and were addressed by Chief Justice Thomas O. Marshall of Georgia's Supreme Court.

A grant from the National Council of Family and Juvenile Court Judges made possible the publication of the Permanent Homes newsletter which is distributed to over 700 panel members, judges and legislators. In addition, the grant is funding staff positions for an administrative assistant and data entry clerk.

Three volunteer positions have also been established through VISTA (Volunteers In Service To America) to work with panels in five counties. These persons serve as court coordinators and develop resources for children and families under the guidance of the juvenile court judge.

A grant from the Juvenile Justice Office of the Department of Community Affairs and funds from the Governor's Intern Office provided for three law intern positions with juvenile courts. Students worked with the courts in Chatham, Glynn and Walton counties for a period of ten weeks. Tasks were assigned by judges with emphasis on direct service to children involved with the juvenile court. Law internships enable students to gain an inside view of the operations and unique problems of juvenile court.

The juvenile information system was expanded from the original seven counties to include four new counties—Floyd, Houston, Newton and Richmond—during FY'87. Plans are underway to incorporate Chatham, Gwinnett, Muscogee, Rockdale, Ware and Whitfield counties to bring the total number of automated counties to 16. In compliance with the Uniform Rules of Practice and Procedure for the juvenile courts, all counties must submit uniform docket and complaint forms to the council either as hard copy or by

electronic means. Software for use on the juvenile information system has been developed by contractors and staff of the Administrative Office of the Courts and includes five statistical programs and six statewide uniform forms. Plans are underway to provide an operator's manual for counties on the automated system.

The council has participated with the Division of Youth Services for the past nine years in the joint training project for juvenile justice personnel. The project utilizes juvenile justice professionals from various probation and treatment agencies to offer 25 training workshops during the year. Funds for the training are provided by the federal Office of Juvenile Justice and Delinquency Prevention through the Georgia Department of Community Affairs. The project provided training in skills development, family and individual counseling and other needs of juvenile justice professionals.

Legislation passed during the 1987 session of the General Assembly affecting juvenile courts included a measure requiring parental notification or other proceedings before minors can obtain legal abortions; another bill created the Juvenile Justice Coordinating Council to address issues facing the juvenile courts and to develop community-based alternatives for delinquent children; the Senate established a Juvenile Justice Study Committee to study the juvenile justice system and the operation of youth development centers in Georgia.

Also during the year, the Supreme Court adopted revisions of the Uniform Rules of Practice and Procedure for Juvenile Courts to implement laws regarding parental notification of abortion and handling of juvenile traffic offenders. Juvenile courts now accept complaints involving all traffic offenders under the age of 17. Judges are authorized to collect fines and are required to report the disposition of all moving violations to the Georgia Department of Public Safety.

Council of Superior Court Judges

The Council of Superior Court Judges is composed of all superior court judges (135) and senior (retired) superior court judges (37). Its purpose and goals are to effectuate the constitutional and statutory responsibilities conferred upon it by law, to identify and seek solutions to problems common to all judges and to pursue matters of mutual interest in furthering the improvement of justice and the judiciary in Georgia.

During the past fiscal year, the council focused attention on improving public knowledge of the courts. Toward this effort, the council began a rebuilding of communication with attorneys by meeting with the State Bar of Georgia's executive committee and attending the bar members' annual meeting. Through serving on the faculty of the Institute of Government's 15th Biennial Institute for Legislators, council members strove to acquaint newly elected state senators and representatives with the role of the courts in state government.

The council was active in recommending legislation designed to improve the administration of the courts, including House Bill 877, facilitating the involvement of senior judges as well as superior court judges in administrative meetings and mandatory judicial education, and House Bill 338, providing for improved and consolidated circuit law libraries.

The Council's commitment to continuing judicial education was evidenced by the attendance of 113 members at the fall 1986 seminar at the Center for Continuing Education in Athens and 118 members at the summer 1987 seminar held at St. Simons Island.

In response to a request from Chief Justice Thomas O. Marshall for assistance addressing the backlog of death penalty habeas corpus cases in the Flint Judicial Circuit, over 20 superior court judges volunteered to serve in this capacity. As a result of council members' participation in this project, the backlog was improved and council leadership is committed to assisting the circuit in eliminating future delay in resolving such cases.

Other council activities and functions for FY 1987 included continued input into the development of child support guidelines as mandated by the Child Support Amendments of 1984 (Public Law 98-378), and increased communication and cooperation with other branches of state government through agencies such as the Governor's Committee on Crime and Punishment, the Georgia Commission on Child Support and the Criminal Justice Coordinating Council.

Georgia Indigent Defense Council

The Georgia Indigent Defense Council was created by an act of the state legislature in 1979. The Council is composed of 10 lawyers, one from each of the 10 judicial administrative districts in Georgia, and three laypersons from the state at large.

The council's four statutory purposes and duties are: 1) to administer funds provided by the state and federal governments to support local indigent defense programs; 2) to recommend uniform guidelines within which local indigent defense programs will operate; 3) to provide to local programs and attorneys who represent indigents technical and research assistance, clinical and training programs and other administrative services; and 4) to prepare budget reports and management information required for implementation of the Georgia Indigent Defense Act.

During the past year, the council recommended via the judicial branch budget request that the Georgia Indigent Defense Act be funded at the level of $10 million

for the 1989 fiscal year. The legislature has not granted appropriations to supplement county indigent defense programs since 1981. The most recent survey conducted by the council estimates that $10 million was spent per annum by the state's 159 counties.

The council held regional meetings throughout the state to explain the Indigent Defense Act, to discuss the present state of indigent defense in Georgia and to provide a forum in which county commissioners, superior court judges, legislators, bar leaders and criminal defense lawyers could discuss the workings of their indigent defense systems. Additional meetings are scheduled during FY'88 to enhance public interest and legislative awareness about the current state of local programs that provide legal representation to indigent criminal defendants.

Georgia Magistrate Courts Training Council

(Annual Report for calendar year 1987, as required by OCGA §15-10-134.)

The Georgia Magistrate Courts Training Council supervises continuing judicial education requirements for magistrate court judges by prescribing minimum standards for curricula and criteria for magistrate training. Specifically, the council approves instructor qualifications and issues training certification to chief magistrates and magistrates who satisfactorily comply with established programs.

Nonlawyer magistrates who are newly elected or appointed must attend the first scheduled certification course after assuming office and successfully complete 40 hours of basic training in the performance of their duties. In order to maintain certified status, all magistrates (including those who practice law) must fulfill an annual 20-hour training requirement.

In association with the council, the Institute of Continuing Judicial Education (ICJE) sponsored a two-part, 40-hour seminar and seven 20-hour regional training sessions for magistrates during the 1987 calendar year (see table below). A total of 180 credit hours were administered in certifying 411 magistrate court judges. Six magistrates unable to physically attend the regional training events were authorized by the council to listen to audio tapes and complete the examination to become certified.

For the first time, the council gave certification credit for successful completion of training conducted in Georgia by a national training organization. Thirty magistrates elected to attend a two-week, nonlawyer course in Athens sponsored by the American Academy of Judicial Education, pursuant to a contract with the council, in lieu of regular training and were granted recertified status. Eight were recertified at another ICJE-sponsored program.

In March 1987, ICJE held an orientation course for persons serving as instructors at the eight magistrate seminars. Its objective was to insure consistency in programs, to develop exams and solutions and to assist instructors in methods of presentation. Persons serving as instructors during the year included magistrates, attorneys, law professors and state and superior court judges.

Magistrates attending the initial, 40-hour program took part in a variety of training modules, including a theoretical lecture on the doctrine of inherent powers of state constitutional courts, civil and criminal law and procedure, practical exercises in the issuance of search and arrest warrants, legal research, ethical and administrative practices, contempt of court and video instruction on the fourth amendment. Twenty-hour participants received instruction on criminal and civil procedure, evidence, landlord and tenant, extrajudicial conduct and bad check law. All magistrate court judges were required to complete take-home examinations at the close of each day, with a final exam on the last day.

Participants paid a $125 tuition fee which entitled them to training materials and a selection of legal publications to complement their law libraries. Twenty-hour attendees chose between supplements to the unannotated state code, a magistrate's handbook, a landlord-tenant manual, a law enforcement handbook or titles from an optional book list. New magistrates were able to select either all of the above supplemented manuals or from the same book list.

The council met three times during FY'87—in March, June and October—and conducted two meetings via teleconference to review and administer its training policy. It decided to seek additional state funds in 1988 to spon-

Georgia Magistrate Courts Training Council 1987 Seminars

Date	Location	Hours	Attendees
February 18-20	Athens	20/40	36
March 26-27	Athens	10	10
May 13-15	Tifton	20	62
May 27-29	Athens	20	56
June 3-5	Athens	20/40	36
June 17-19	Savannah	20	55
July 15-17	Athens	20	54
August 3-4	Athens	20*	22
September 2-4	Marietta	20	46
September 30—October 2	Forsyth	20	33
November 4-6	Savannah	20	47

*Two week course sponsored by American Academy of Judicial Education

or another national level training course and to develop and broadcast by satellite a one-day training workshop for magistrate court clerks, and planned to join with other judicial agencies in presentation of the unified judicial budget. Extra funds were also to be sought to hire a consultant to expand the council's program of instructor training. Later in the year, the council voted to alter its examination procedure to provide for shorter, more frequent tests for a one-year trial period in order to permit beneficial discussion among participants and to help the council better determine the effectiveness of instruction.

Authorized by its enacting legislation to take steps necessary to perform its duties, the training council in FY'87 took action against one magistrate who had continually failed to attend its certification courses. Information regarding this magistrate was forwarded to the Judicial Qualifications Commission, which, after an investigation and subsequent hearings, determined the judge should be removed from office.

In other action, the training council decreased the tuition fee from $125 to $100 for the 1988 training year due to an increased state appropriation. Its appropriation was raised 137% from $38,334 to $91,018 by the 1987 General Assembly .

Institute of Continuing Judicial Education

In coordinating training programs for judicial branch officials in fiscal year 1987, the Institute of Continuing Judicial Education (ICJE) sponsored jointly with client groups 38 activities serving 1,792 constituents. The Institute reached its immediate goal of extending and improving the technical aspects of its established basic and continuing judicial education programs by offering its traditional annual calendar of training events, as well as a biannual orientation course for new trial judges and an expanded course for instructor judges of the magistrates' recertification courses.

Several experimental projects were undertaken during FY'87. The first, a telephone survey of lawyers, judges and appellate judges to assess training needs of workers' compensation administrative law judges, resulted in the development of a long-range plan, a basic course and some immediate continuing judicial education programs. The second effort, initiated by the Executive Probate Judges Council, attempted to dovetail ICJE's in-state, semi-annual offering for probate judges with the annual meeting of the National College of Probate Judges in Savannah. A third program involved execution of regional seminars for traffic court (usually municipal court) judges and clerks. A fourth activity enabled faculty in the basic and recertification courses for magistrates to study adult educational instructional design and course development.

Development of computer-assisted instruction on evidence law, involving individual or small group use of microcomputers in responding to preprogrammed problems, continued during the year. ICJE installed a unit on character evidence, and a problem-driven evidence instructional program, specifically developed for use with juvenile court judges in FY'86, was conducted. Similarly, a module of instruction on judicial writing first used with state court judges proved to merit wider use, as it was a useful training tool for superior court judges and probate court judges.

Faculty members of Georgia's accredited law schools (Mercer, Emory, Georgia State universities and the University of Georgia) provided valuable public service instructional time to the Institute. Judges performed the bulk of instructional duties throughout the year, reemphasizing the collegial, peer enrichment character of continuing judicial education. Superior court judges continued to perform a significant instructional role in the statutorily mandated training for magistrate judges. Throughout the year, at each regional seminar, a local superior court judge conducted the three-hour instructional block devoted to hearsay and the use of exceptions to the hearsay rule as aspects of evidence law. In FY'88, state court judges will assume instructional leadership roles in landlord-tenant law and judicial ethics.

State-based training comprises ICJE's foremost educational responsibility. (The table at the right lists the Institute's state-based activities performed during 1986-87, identifying the constituent group served, the course site, the date and the number of attendees for each program.) The mandatory training sessions for magistrates, both the 40-hour basic course and the 20-hour recertification programs, were again conducted to audiences limited to 60 participants. While this necessitated a greater number of course offerings, it facilitated a thorough and relevant learning environment for attendees, provided a more academic climate for instructors and promoted regionalized execution of the curriculum, saving time and travel expense funds.

In FY'87, 100 percent of the 131 active superior court judges met their continuing education requirement, with only a few senior superior court judges failing to participate. Mandatory continuing judicial education for superior court judges, which became effective on January 1, 1986, includes twelve hours of training per year. Every other year, two of these training hours must be devoted to judicial ethics.

The Institute also sponsored persons attending out-of-state training programs held by nationally recognized judicial education agencies. Of 50 applications received in 1986-87 for financial aid to attend nationally-based train-

ing, 46 were granted some level of funding, while 34 individuals actually took advantage of this assistance. Half of the out-of-state training was approved for attendance at the National Judicial College in Reno, Nevada. Institute funds were used to support the training of 20 superior court judges, two state court judges, six juvenile court judges, five court administrative personnel and one probation supervisor.

The FY'87 state appropriation for the Institute totaled $328,334 and was augmented in the fall of 1986 by a $29,000 grant that permitted ICJE to continue a basic training program for traffic court judges and clerks. Plans were formulated to conduct this program, via satellite transmission from Athens, on a regional basis in six to eight locations throughout the state during the last six months of 1987. Funds for this experimental effort at local/regional programming were awarded from National Highway Traffic Safety Administration monies granted to ICJE through the Governor's Office of Highway Safety.

The past year was the third full year in which the Institute operated with its own part-time bookkeeper/accounting assistant on staff, which enabled it to track its expenses on a program basis. For the fourth straight year, no attendee mileage expenses were reimbursed to program participants due to insufficient funding to cover this expense. No adverse impact on participation levels was observed by ICJE to result from this policy.

During FY 1987, ICJE Executive Director Richard D. Reaves served as president of the National Association of State Judicial Educators.

Members of the board of trustees of the Institute of Continuing Judicial Education primarily represent client goups of courts and judicial organizations in the state and include one judge of the Court of Appeals; two members of the Council of Superior Court Judges; one member each of the councils of state, juvenile, probate and

Institute of Continuing Judicial Education
FY 1987 State-based Instructional Activities

Program	Location	Date	Attendees
Traffic Adjudication	Dublin	July 8, 1986	13
Traffic Adjudication	Augusta	July 25, 1986	10
Traffic Adjudication	Valdosta	July 29, 1986	9
Summer Seminar for Superior Court Judges	Savannah	July 27–30, 1986	129
Probate Court Judges—Jury Trials	Savannah	July 30–31, 1986	8
Traffic Adjudication	Savannah	September 4, 1986	5
20-Hour Recertification Course for Magistrate Judges	Marietta	September 3–5, 1986	58
Traffic Adjudication	Bainbridge	September 9, 1986	5
Traffic Adjudication	Macon	September 16, 1986	6
Fall Corrections Program Tour	Macon	September 17–19, 1986	7
Traffic Adjudication	Marietta	September 18, 1986	9
Traffic Adjudication	Marietta	September 22, 1986	3
Independent Juvenile Court Probation Officers	Unicoi	September 24–26, 1986	77
20-Hour Recertification Course for Magistrate Judges	Athens	October 1–3, 1986	54
Juvenile Court Judges Fall Seminar	Canton	October 20–22, 1986	68
Court Administrators Fall Seminar	Athens	October 29–31, 1986	24
Superior Court Judges Fall Seminar	Athens	October 29–31, 1986	113
20-Hour Recertification Course for Magistrate Judges	Athens	November 5–7, 1986	33
Municipal Court Judges Seminar—	Savannah	November 10–12, 1986	16
Probate Court Judges Fall Seminar	Savannah	November 12–14, 1986	47
Superior Court Clerks Fall Seminar	Savannah	November 12–14, 1986	121
State Court Judges Fall Seminar	Unicoi	November 19–21, 1986	35
New Judges Orientation Course	Atlanta	December 10–12, 1986	20
40-Hour Basic Course for Magistrate Judges (Criminal)	Athens	February 18–20, 1987	36
Trial Judges Secretaries Seminar	Athens	March 25–27, 1987	68
Instructor Judges School	Athens	March 26–27, 1987	17
Superior Court Clerks Spring Seminar	Macon	April 8–10, 1987	167
Juvenile Court Clerks Seminar	Macon	April 8–9, 1987	30
Spring Corrections Tour	Macon	April 15–17, 1987	9
Probate Court Judges Spring Seminar	Athens	April 15–17, 1987	174
Independent Juvenile Court Probation Officers	Jekyll Island	May 6–8, 1987	85
20-Hour RecertificationCourse for Magistrate Judges	Tifton	May 13–15, 1987	67
Juvenile Court Judges Spring Seminar	Savannah	May 17–19, 1987	71
State Court Judges Spring Seminar	St. Simons Island	May 20–22, 1987	36
20-Hour Recertification Course for Magistrate Judges	Athens	May 27–29, 1987	59
40-Hour Basic Course for Magistrate Judges (Civil)	Athens	June 3–5, 1987	40
20-Hour Recertification Course for Magistrate Judges	Savannah	June 17–19, 1987	63

magistrate court judges; one representative of the Superior Court Clerks Association; one member each of the State Bar of Georgia and the Judicial Council; and five ex officio members, including the immediate past chairmen of the Institute's board of trustees and the board of trustees of the Institute of Continuing Legal Education and deans of the state's four accredited law schools. A liaison member representing the Supreme Court and an advisory member also serve on the board.

Judicial Nominating Commission

The Judicial Nominating Commission assists the governor with his duty to appoint highly qualified persons to judicial office by soliciting nominations for judgeships filled by gubernatorial selection. The nominating procedure is often undertaken to fill judicial vacancies, although nominations may also be processed in designating candidates for newly created judgeships.

Certain qualifications must be met prior to consideration of any candidate for judicial office. While the requisites vary according to the type of court, most candidates must meet a residency and age requirement. Judges of appellate and superior courts must have maintained an active membership in the state bar for seven years, and state and juvenile court judges must be admitted to practice law in the state for at least five years. Qualifications for all judges are specified either in the state constitution or in pertinent statutes (see reviews of particular courts, pp. 7–26, for more detail).

The commission begins the selection process by seeking nominations from local individuals or leaders among the civic and legal communities. The commission members evaluate each candidate based on a questionnaire concerning his or her qualifications and a legal article or brief which the candidate has authored. The nominees are then investigated through interviews with attorneys familiar with them and by personally interviewing the candidates themselves.

The nominating body held meetings on six days in FY'87 to consider candidates for nine judicial offices, including four new superior court judgeships, three new state court judgeships and one state court vacancy and one vacancy in the Civil Court of Richmond County. Since 1973, the commission has acted on a total of 158 judgeships, including:

- 10 Supreme Court vacancies
- 12 Court of Appeals vacancies
- 96 superior court offices
- 37 state court posts
- 2 municipal court judgeships
- 1 civil court vacancy.

Originally created by executive order of former Governor Jimmy Carter and continued in the same manner by succeeding governors, the commission is composed of ten members. Five are persons appointed to serve a term concurrent with that of the appointing governor, and the other five are or have been elected officers of the state bar, including the president, two successive past presidents and the president-elect and president of the younger lawyers section.

Judicial Qualifications Commission

The Georgia Constitution empowers the Judicial Qualifications Commission to respond to inquiries from judges regarding appropriate judicial conduct, to direct investigations into complaints involving members of the state judiciary and, when it deems necessary, to hold hearings concerning allegations of judicial misconduct. Grievances involving judges may be initiated by a written, usually verified, complaint of any person or upon the commission's own motion.

Alleged violations of misconduct or protests against judges must be based on one of the seven canons of the Code of Judicial Conduct, last revised March 15, 1984. Grounds for action include 1) willful misconduct in office, 2) willful and persistent failure to perform duties, 3) habitual intemperance, 4) conduct prejudicial to the administration of justice which brings the judicial office into disrepute, and 5) disability which seriously interferes with the performance of judicial duties and which is or is likely to become permanent.

The commission may make an initial inquiry with or without giving notice or other information to the subject judge and may conduct an investigation of the judge's conduct or condition to determine whether formal proceedings should be instituted and a hearing held. Prior to a determination of a formal hearing, the judge is given reasonable opportunity to make an oral or written statement either personally or through counsel. Although the commission may issue subpoenas for witnesses or documents, the judge neither retains the right to call witnesses nor to confront the complainant or other persons interviewed by the commission.

After an investigation, the commission may recommend to the Supreme Court the removal, discipline or retirement of a judge. The Supreme Court makes a final decision whether to accept, reject or modify the commission's recommendation about a particular judge. A 1985 amendment to the constitution further provides that a judge who has been indicted for a felony may be suspended from office, pending final disposition of the case or until expiration of the term of office, whichever occurs first, if the commission concludes that the indictment relates to and adversely affects performance of the judge's official duties.

At its 10 regular meetings in fiscal year 1987, the commission

Synopses of FY 1987 JQC Opinions

• *Opinion 86*. In the case of spouses appointed before the issuance of Opinion 68 on February 22, 1985, while there is a presumption of impropriety, this presumption is rebuttable, and the employment may be continued so long as it affirmatively appears to be justified on the basis of ability rather than relationship.

• *Opinion 87*. A part-time magistrate cannot represent a defendant in the superior court in connection with a warrant issued in his court by another magistrate of the court.

• *Opinion 88*. Opinion No. 88 has been revoked by Opinion No. 99 for the reason that attorneys are not members of the judiciary subject to the Code of Judicial Conduct.

• *Opinion 89*. There is no reason a judge should not serve on the advisory board of a local unit of the Salvation Army provided care is taken by him not to violate any the restrictions and limitations set out in Canon 5B.

• *Opinion 90*. (1) It is not inappropriate for a candidate for a nonpartisan judicial office to have in his political literature information concerning his political party affiliation and offices he has held in party organizations.

(2) It is permissible for a candidate for a nonpartisan judicial office to attend partisan political functions seeking the support endorsement of the individuals present, but not the political party as such.

(3) It is not inappropriate for the campaign committee of a candidate for a nonpartisan judicial office to send letters to registered voters identifying his past political affiliation and offices he has held and services he has performed for the political party and pointing out his and his opponent's voting record in past partisan primaries.

(4) It is not appropriate in a letter from the campaign committee of a candidate for a nonpartisan judicial office to represent that the candidate is qualified not only because of his experience, training and ability, but also because of his political party affiliation.

(5) Candidates in a nonpartisan judicial election are not prohibited from attending fund-raisers for candidates provided they do not solicit or contribute in any way.

(6) If the impermissible conduct of a candidate amounts to a violation of the Code of Judicial Conduct, a complaint may be filed with the Judicial Qualifications Commission.

• *Opinion 91*. There is no reason why a clerk of a superior court judge should not apply for the part-time position of assistant magistrate in an adjacent county in which he resides.

• *Opinion 92*. It would be inappropriate for a judge to act as a class representative in a class action which involves a private matter in which he and others have sustained an economic loss as distinguished from a public issue class action, such as resulted in Opinion Nos. 22 and 77.

• *Opinion 93*. The issuance of a warrant by a magistrate is a judicial act and a magistrate, in so doing, is subject to all of the provisions of Canon 3C with respect to disqualification.

• *Opinion 94*. Association of a workmen's compensation hearing officer by an attorney who regularly appears before him, to represent a client in a wrongful death action on a contingent fee basis, where the fee is to be divided in proportion to the time devoted to the case by each lawyer, created an unavoidable appearance of possible impropriety and the opportunity for special influence.

• *Opinion 95*. It is not improper for a judge to act as executrix of her grandfather's will, subject to the restrictions set out in Canon 5D.

• *Opinion 96*. It could be inappropriate for a judge to accept, without cost, a title search and opinion from an attorney.

• *Opinion 97*. It would be inappropriate for a magistrate to become a stockholder in a corporation organized to operate a collection agency which would bring actions in his court, even though he would disqualify himself, would be a passive stockholder and would not be involved in active management of the collection agency.

• *Opinion 98*. It would not be appropriate for a judge to be a dues paying member of a plaintiffs or defendants trial lawyers association.

• *Opinion 99*. Opinion No. 88 was revoked for the reason that attorneys are not members of the judiciary subject to the Code of Judicial Conduct.

• *Opinion 100*. It is not appropriate for the court to have ex parte communications with prevailing counsel with reference to the preparation of proposed findings of fact and conclusions of law, but the court may, if it elects to do so

(a) request counsel for both parties to submit a proposed findings of fact, conclusions of law and final judgment, or

(b) after the court has reached a decision on all questions at issue, announce its decision to all counsel and request prevailing counsel to draft, serve on opposing counsel, and submit to the court findings of fact, conclusions of law and a final judgment in accordance therewith.

resolved 107 matters of the 123 filed (13 pending from FY'86 and 110 new matters). Sixteen issues were deferred until FY'88.

Eighty-eight complaints were disposed for the following reasons: a) dismissed as frivolous, unfounded, unsupported or appropriate for appeal (65), b) judge privately reprimanded (13), c) no jurisdiction (3), d) no complaint materialized (3), e) judge suspended after indictment (2), f) no violation shown (1), and g) failure to provide information (1). The commission held hearings on formal proceedings against two judges and recommended suspension without pay for both; however, these recommendations were not filed in the Supreme Court until after year end.

The known sources of FY'87 complaints were varied and include 61 litigants or their relations, 9 non-litigants, 7 public officials or officers, 6 attorneys and 5 from anonymous individuals.

The commission received 19 requests for advisory rulings during the fiscal year. Fifteen formal opinions and one informal opinion were rendered, while three applications for opinions were denied.

The seven-member Judicial Qualifications Commission operates under procedural rules revised as of May 1, 1985. All proceedings of the commission, including complaints, conferences, communications and decisions, are confidential, with the exception of notice of a formal hearing, formal hearings, reports recommending discipline and decisions after a hearing when a judge was found not guilty of misconduct.

By rule, the members of the commission include two judges of courts of record appointed by the Supreme Court, three attorneys named by the Board of Governors of the State Bar of Georgia and two citizens selected by the governor. A director and an investigator serve as the commission's staff.

Superior Courts Sentence Review Panel

Georgia's Superior Courts Sentence Review Panel has operated since 1974 to uphold a defendant's right to have his or her sentence reviewed to determine excessive harshness in relation to other sentences for a similar crime. In comparing sentences, the panel considers the nature of the crime and the defendant's prior criminal record.

Cases subject to the panel's jurisdiction are those sentences totaling five or more years set by a superior court judge without a jury, except cases in which the death penalty is imposed, sentences set in misdemeanor cases and murder cases where a life sentence has been applied. The panel retains the authority only to reduce sentences and is statutorily prohibited from increasing punishments, reducing sentences to probation or suspending any sentence.

The Sentence Review Panel reviews sentences upon application of a defendant who must act within 30 days of the date on which the sentence was assessed by the superior court judge, or after the remittitur from the Court of Appeals or Supreme Court affirming the conviction of the sentencing court, whichever occurs last. The application for sentence review must be transmitted to the panel within 10 days of its filing, along with copies of any presentence or post-sentence report. Both the defendant and the district attorney have the right to present written argument relative to the harshness or justification of the sentence.

A defendant may not file more than one application for review of a sentence, and the panel's action reducing or declining to reduce a sentence is not reviewable. Panel orders relating to an application are binding on the defendant and the superior court which imposed the sentence.

The panel affirmed 2,485 cases and reduced 63 cases in FY'87 for a total caseload of 2,548, an increase of 35 percent over FY'86 and the highest workload ever experienced by the panel. The reduction rate for the year—2.47%—was the lowest annual rate in the panel's history.

The cumulative reduction rate decreased further to 5.32% (for all 20,886 cases considered by all panels) in the last quarter of FY'87 from 5.71 at the end of fiscal year 1986. Listed at right is a summary of the panel's caseload for FY'87 along with a 10-year comparison of cases reviewed by the panel.

The Sentence Review Panel meets in two concurrent panels, each composed of three superior court judges. Panel members are appointed and chairpersons are designated by the president of the Council of Superior Court Judges to serve three-month terms.

A supernumerary member is also appointed for each term and is authorized to substitute for member who cannot attend a meeting or who is disqualified.

An administrative board of three judges maintains continuity among the various panels. The board prepares an annual budget, considers revisions to the panel's procedural rules and supervises the activities of the clerk and staff.

Superior Courts Sentence Review Panel Caseload Summary

FY 1987 Caseload

	Cases affirmed	Cases reduced	Cases reviewed	Percent reduced
Panel 49	653	16	669	2.39
Panel 50	589	7	596	1.17
Panel 51	649	28	677	4.14
Panel 52	594	12	606	1.98
Total	2,485	63	2,548	2.47

10-year Comparison of Cases Reviewed

	Cases affirmed	Cases reduced	Percent reduced
FY 1978	1,123	67	5.63
FY 1979	1,134	101	8.18
FY 1980	1,228	90	6.83
FY 1981	1,542	145	8.60
FY 1982	1,846	136	6.86
FY 1983	2,359	88	3.60
FY 1984	2,335	119	4.85
FY 1985	2,137	100	4.47
FY 1986	1,769	67	3.65
FY 1987	2,485	63	2.47

Appendix I

Judicial Personnel Changes: FY 1987

Elections

Superior Courts

Coweta Judicial Circuit
Allen B. Keeble for term 1/1/87 to 1/1/91.

Northeastern Judicial Circuit
John Girardeau for term 1/1/87 to 1/1/91.

State Courts

Appling County
Bob Highsmith for term 1/1/87 to 12/31/90.

Baldwin County
Robert H. Green for term 1/1/87 to 12/31/90.

Cobb County
Nancy M. Campbell and Russell Carlisle (Associate Judges) for term 1/1/87 to 12/31/90.

Hall County
Kathlene Gosselin for term 1/1/87 to 12/31/90.

Probate Courts

Bulloch County
Lee H. Deloach for term 11/26/86 to 1/1/89.

Gwinnett County
Fred Meyer for term 1/1/87 to 1/1/89.

Appointments

Superior Courts

Augusta Judicial Circuit
John H. Ruffin, Jr. for term 7/9/86 to 1/1/89.

Gwinnett Judicial Circuit
Bryant Huff for term 11/3/86 to 1/1/87.

Northeastern Judicial Circuit
Richard W. Story for term 7/8/86 to 1/1/89.

Piedmont Judicial Circuit
Penn McWhorter for term 7/8/86 to 1/1/89.

Stone Mountain Judicial Circuit
Jonathan C. Peters for term 7/9/86 to 1/1/89.

State Courts

Troup County
Jeannette L. Little for term 8/28/86 to 1/1/89.

Juvenile Courts

Camden County
Terry K. Floyd for term 7/18/86 to 2/23/90.

Clay, Early, Randolph, and Quitman counties
Ronald H. Rentz for term 8/1/86 to 7/31/90.

Hall County
David A. Fox for term 7/15/86 to 12/31/90.

Troup County
D. Ray McKenzie, Jr. for term 1/1/87 to 12/31/91.

Probate Courts

Emanuel County
Roberta F. Cross for term 1/1/87 to 1/1/89.

Analysis of Statewide Judicial Manpower
(July 1, 1986 to June 30, 1987)

Court	Total number judgeships	Method of selection: Elected	Appointed	New judgeship	Total judges beginning first terms	Reason for leaving: Resigned	Not elected for full term	Died	Total judges leaving the bench
Supreme Court	7				0				0
Court of Appeals	9				0				0
Superior Courts	135	2	1	4	7	3			3
State Courts	79	3	1	2	6	3	1		4
Juvenile Courts	51		3	1	4	1			3
Probate Courts	159	2	1		3	2	1		4

As of June 30, 1987.
Total number of judges leaving the bench does not match total number of new judges or vacancies because
of new appointments or vacancies which existed at the end of the fiscal year.
Although 135 superior court judgeships had been allocated by the end of the year, 131 had been filled.